
THE CITY OF NEW YORK
DEPARTMENT OF FINANCE
DIVISION OF TAX POLICY

**ANNUAL REPORT
ON TAX
EXPENDITURES**

FISCAL YEAR 2017

BILL DE BLASIO, MAYOR • JACQUES JIHA, PH.D., COMMISSIONER

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REPORT PREPARED BY THE
DIVISION OF TAX POLICY
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EXECUTIVE SUMMARY

New York City furthers its social and economic objectives through a variety of programs. Some programs are funded by direct governmental appropriations, while others are funded by reductions in tax liability and are referred to as “tax expenditures.” This report, mandated by the New York City Charter, identifies and describes tax expenditure programs related to taxes administered by the City and provides tax expenditure estimates based on available data. The City administers approximately 60 real property, business income, and excise tax expenditure programs.

- Tax expenditures related to the real property tax totaled \$6.0 billion in FY 2017. Housing and economic development-related incentives comprised 53 percent and 34 percent of real property tax expenditures, respectively. The five largest real property tax expenditure programs accounted for 57 percent of the cost of annual real property tax expenditures.

**Five Largest FY 2017 NYC Real Property
Tax Expenditure Programs**
(\$ Millions)

421-a New Multiple Dwellings	\$1,319
Industrial & Commercial Incentive Program	\$653
NYC Housing Authority	\$649
Co-op/Condo Abatement	\$487
Urban Development Corporation	\$318

- Business income and excise tax expenditures that could be quantified were valued at \$1.2 billion in TY 2013. Many of these programs are designed to foster economic development by, for example, reducing City energy costs for eligible businesses or providing relocation incentives. The five largest business income and excise tax expenditure programs accounted for 91 percent of the quantifiable cost of annual business income and excise tax expenditures.

**Five Largest TY 2013 NYC Business Income and
Excise Tax Expenditure Programs**
(\$ Millions)

Insurance Corporation Non-Taxation	\$460
Business & Investment Capital Tax Limitation	\$325
Single Sales Factor	\$227
Cooperative Housing Corporation Four-Tenths Mill Rate on Capital	\$40
Special Allocation Rule: Regulated Investment Company Management Fees	\$35

- City sales tax expenditures that could be quantified for CY 2013 were estimated at \$4.2 billion. City-funded personal income tax credits, reported for TY 2014, were worth \$280 million.

This report is organized in several parts that cover tax expenditure programs by tax. Parts II to V cover the main tax expenditure categories summarized above. Part III also provides information concerning the comprehensive corporate tax reform of 2015. Part VI summarizes public costs and benefits related to private investment projects. Appendices provide supplemental information pertinent to City tax expenditures and general descriptions of NYC taxes.

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PART I

INTRODUCTION

Definition of Tax Expenditures

Tax expenditures are deviations from the basic tax structure that reduce taxes for specific taxpayers or groups of taxpayers. They derive from provisions of the tax law that provide special exclusions, exemptions, deductions, special credits, preferential rates of tax, or deferrals of tax liability. Tax expenditures have traditionally been used to alter the distribution of the tax burden and to create incentives for taxpayers to change economic behavior. They provide economic benefits and are often used as alternatives to direct governmental allocations.

The definition of a normal tax structure and identification of specific tax expenditures is subjective and controversial. Some recommend that tax expenditures be defined as inclusively as possible, encompassing all deductions or credits that reduce the taxable base from 100 percent of income and wealth. Others recommend a more narrow definition, focused on targeted measures that provide preferential treatment. This latter approach assumes that the definition of the taxable entity and the general rate schedule are part of the “normal” tax system.

This report utilizes the more targeted approach. In accordance with City Charter requirements, it identifies provisions of City-administered taxes that are intended to confer special tax benefits. This approach focuses attention on the information needed for local policy evaluation and public accountability. This report considers a provision of the tax law to be a tax expenditure if the following conditions are met:

1. *City-Specific:* The tax expenditure derives from a tax administered by the City.
2. *Targeted Preference:* The tax provision is “special” in that it is targeted to a narrow class of transactions or taxpayers.
3. *Clear Exception:* The tax provision constitutes a clear exception to a general provision of the tax laws.

Tax exemptions provided to government entities and to non-profit organizations that serve the public at large are not included as City tax expenditures because such exemptions are routinely granted by states and municipalities and generally reflect conformity with federal law.

Reporting Requirements

The federal government and most states, including New York, produce tax expenditure reports to help policy makers evaluate the impact of tax benefit programs. Section 240 of the New York City Charter mandates an annual City tax expenditure report that includes:

- a comprehensive list of City-specific tax expenditures;

Introduction

- the citation of legal authority and the objectives and eligibility requirements of each tax expenditure;
- data (as available) on the number and kinds of taxpayers that benefit from City tax expenditure programs and the total value of these programs;
- data on the number and kinds of taxpayers that carry forward tax benefits to future years and the total value of these carry-forwards;
- data (as available) on the economic and social impact of City tax expenditure programs; and
- a list and summary of all evaluations and audits of City tax expenditure programs.

The text of NYC Charter Section 240 is provided in Appendix I.

The FY 2017 Annual Report on Tax Expenditures

Parts II and III of this report cover tax expenditures related to the following City-administered taxes: real property tax, banking corporation tax, commercial rent tax, general corporation tax, real property transfer tax, unincorporated business tax, and utility tax. Part II, which covers the real property tax, includes programs that exist throughout New York State and others that are granted by means of public authorities. Tax expenditures related to the State-administered mortgage recording tax are included in Part III. Tax expenditures derived from the personal income tax and sales and use tax, both City taxes administered by the State, are discussed in Parts IV and V, respectively. Part VI summarizes public costs and benefits related to private investment projects. Appendices provide additional information, including a list of economic development tax expenditures and supplemental statistical data for real property tax expenditures.

Reporting Period

Data provided in this report relate to various periods as indicated in the following table. Exceptions are noted where applicable.

Tax	Period Reported
Property Tax	City Fiscal Year 2017 (July 1, 2016 - June 30, 2017) Based on the final assessment roll except where stated otherwise.
Business Income Taxes; Excise Taxes other than Commercial Rent Tax	Tax Year 2013
Sales and Use Taxes	Calendar Year 2013 except where stated otherwise
Commercial Rent Tax	Tax Year 2014 (July 1, 2013 - June 30, 2014)
Personal Income Tax	Tax Year 2014

Data Estimates

Estimates are derived from Department of Finance data, except where noted otherwise. Data for Payments-in-Lieu-of-Taxes (PILOTs) are based on Department of Finance data and information provided by the City's Office of Management and Budget. In Parts II, III and IV, the tax expenditure estimate provided for each item represents a direct mathematical calculation of the tax revenue foregone.¹ The estimate is not intended to represent the potential revenue gain for the City if the expenditure were eliminated. For example, the absence of a tax expenditure item may lead taxpayers to take advantage of other tax relief programs. In certain cases, the elimination of a tax expenditure item may even result in a revenue loss if the benefit had been stimulating other taxable economic activity. The data provided in this report do not take into account the effect of tax expenditures on the economic behavior of taxpayers or on the City's overall economy. Additional information regarding data estimates is provided as needed in the individual sections of the report and program descriptions.

¹ For purposes of the real property tax, the calculation is based on the assumption that the City would have sufficient authority under the New York State Constitution's tax limit to levy the tax if property tax exemptions were eliminated.

Introduction

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PART II

REAL PROPERTY TAX EXPENDITURES

Overview

The City's real property tax, its single largest revenue source, is expected to raise \$24.2 billion, or 45 percent of total tax revenue, in FY 2017. Real property tax programs will provide benefits through 684,034 exemptions and abatements.¹ These exemptions and abatements will result in a total tax expenditure of about \$6.0 billion in FY 2017.²

The City's property tax programs can generally be categorized as: (1) building-wide incentives for spurring construction; or (2) tax relief to individual homeowners or tenants. The City derives its authority for providing real property tax expenditures from a variety of New York State laws, provisions in the City Charter, the City Administrative Code, and agency regulations. Sunset dates are included for many programs to allow for periodic review of continuing need and, if necessary, to institute revisions in the law. Annual reports are mandated for some programs. Tax expenditures are largely granted and administered by various City agencies. The City also uses State-wide programs and public agencies to provide housing and economic development incentives to the local real estate market.

A statistical appendix provides information on the distribution of housing units by residential exemption program, borough and property type.

Tax Expenditure Purposes

Property tax expenditures support residential, commercial and individual assistance programs.

Residential

Housing benefits comprised 53 percent of property tax expenditures, with a value of \$3.2 billion in FY 2017. Various programs provide incentives for new construction or rehabilitation of small homes and/or multi-family buildings. Some programs are combined with additional financial assistance to target benefits for low- and middle-income housing. Several housing programs vary benefits on the basis of geographic criteria. The exemption benefits granted to residential properties are frequently extended to commercial space within the same building. The single largest residential incentive program is the 421-a program, with 171,109 housing units.

¹A tax exemption provides relief through a reduction in taxable assessed value. A tax abatement reduces real property tax liability through a credit rather than a reduction in taxable value. A single property may qualify for both an exemption and abatement of taxes.

² The School Tax Relief (STAR) program does not qualify as a local tax expenditure because the State bears the cost of the program. Consequently, the STAR program has been excluded from this report. Beginning with the 2016-2017 assessment roll, the STAR real property tax exemption program is closed to new applicants, who will, instead, be eligible for a STAR credit against the state personal income tax. When existing STAR exemption recipients sell their homes, the new owners will transfer to the STAR personal income tax credit program.

Real Property Tax

Commercial/Other

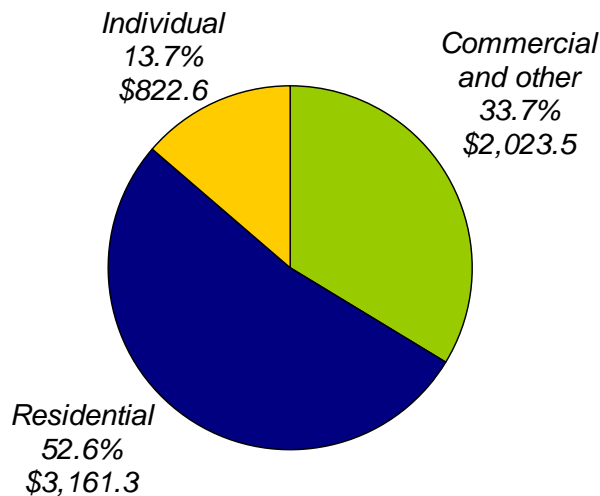
The value of commercial/other incentives was \$2.0 billion, or 34 percent of total property tax expenditures. Total benefits comprised 17,224 exemptions and 5,035 abatements. Properties assisted by the commercial programs range from hotels, retail space, and office buildings to properties involved in manufacturing and distribution activities, such as factories and warehouses. The programs frequently provide more extensive benefits to industrial construction and renovation. (The Chrysler Building is counted as a commercial property.)

Individual Assistance

The smallest real property tax expenditure category, programs for individual assistance, totaled \$823 million. There were 109,176 exemptions that reduced taxes for veteran and senior citizen homeowners, while the Senior Citizen Rent Increase Exemption (SCRIE) provided relief to an estimated 58,710 senior citizen renters. Senior citizen programs are based on the income of the qualifying individual who legally owns or occupies the property. The City's Co-op/Condo Abatement Program reduced the FY 2017 tax bills of 288,667 class two co-op and condo owners by \$487 million.

Chart 1
Real Property Tax Expenditures by Purpose
FY2017

Total: \$6,007.4 million



Tax Expenditure Sources

The major sources of tax expenditures include City and State programs and public agencies. Various State programs are included in this report since the City administers the related exemptions and these programs serve as channels for housing and economic development incentives in the City (see Chart 2, next page).

City Programs

This category includes local incentives granted directly by the City for housing, commercial development, and individual assistance, and state programs in which participation is at the discretion of the locality. These tax expenditures totaled \$3.6 billion, or 60 percent of all property tax expenditures. Residential incentives accounted for 52 percent of City program expenditures and were valued at \$1.9 billion. Another 25 percent of City program tax expenditures resulted from commercial/other programs, and the remaining 23 percent went to individuals.

State Programs

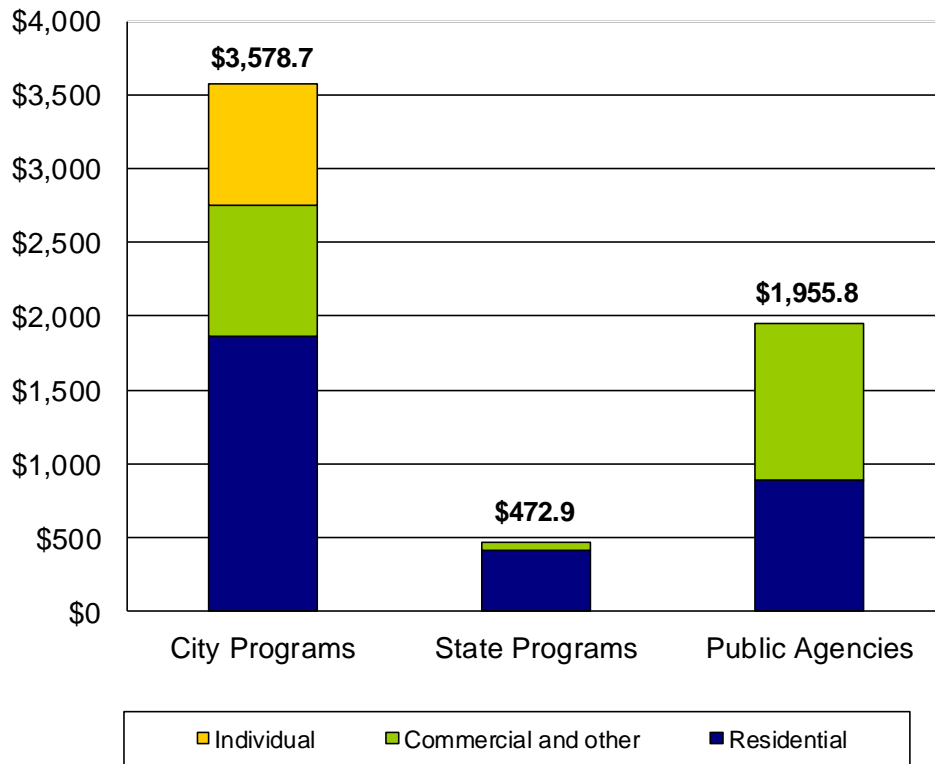
These are predominantly residential programs that have many of the same goals as the City programs but are not exclusive to City taxpayers. For these programs, the net tax expenditure is displayed after deducting Payments-in-Lieu-of-Taxes (PILOTs) and Shelter Rent. Of the total \$473 million of property tax expenditures in this category, 87 percent was granted to low- and middle-income housing, with the largest portion going to Limited-Profit Housing Companies.

Public Agencies

Although tax exemptions are granted to all public authorities, the exempt properties included in this report benefit certain taxpayers rather than the public at large. The agencies include the City's Industrial Development Agency, the New York City Housing Authority, the State Urban Development Corporation and the regional Port Authority of New York and New Jersey. Commercial and industrial projects accounted for \$1.1 billion of the \$2.0 billion in tax expenditures attributable to public agencies. The New York City Housing Authority accounted for 72 percent of the \$889 million in residential tax expenditures in this category.

Real Property Tax

Chart 2
Real Property Tax Expenditures by Source
FY 2017
Total: \$6,007.4 million



Detailed Program Descriptions

The following sections provide information on tax expenditures within the real property tax. Table 1 lists City programs, with a distribution by borough in Table 2. Similarly, Table 3 covers state programs, with borough analysis in Table 4. Public Agencies are reviewed on a citywide basis in Table 5, with borough analysis in Table 6. Terms are described below.

Number of Exemptions: This column provides the number of exemptions under each program. Certain properties may be eligible for more than one exemption, such as the Veterans and Senior Citizen exemptions. As a result, the number of exemptions does not coincide with the number of parcels receiving exemptions.

Exempt Assessed Value: Exemptions exclude from the tax rolls a portion of the assessed value, whether the result of new construction (for example, the Industrial and Commercial Incentive Program) or tax relief programs targeted to individuals (Senior Citizen Homeowner Exemption). When a program provides an abatement of property taxes, this column is marked “N/A” and the value of the abatement can be found in the column marked “Tax Expenditures.”

Tax Expenditures:

Exemptions: For exemption programs, expenditures were determined by applying the appropriate tax rates to the exempt values in each category. Exemption categories were analyzed to determine the amount of exemption attributable to each of the City’s four tax classes.

Abatements: Abatement benefits are direct dollar offsets to property tax liability. They are often based upon factors that are unrelated to assessed values. For example, an abatement granted to a landlord under the SCRIE program is based upon the cumulative amount of rent increases not collected from eligible senior citizen renters living in the apartment building.

Residential/Commercial: The number of exemptions, exempt assessed value, and tax expenditure are further detailed between residential and commercial use. The residential category includes those properties designated as tax class one or two. The commercial category includes all others, including properties that combine residential and commercial use.

Gross Tax Expenditures: Gross tax expenditures are determined by applying the appropriate tax rates to the exempt values, using the same methodology that was applied for Tax Expenditures but not accounting for any offsetting revenues.

Payments-in-Lieu-of-Taxes (PILOTs): Although exempt from taxation, certain properties may be contractually obligated to make payments to the City. Additionally, certain housing programs require payment of taxes based on a shelter rent formula, defined as gross rent less utility costs. Though available by exemption, this information may not be currently available by property type.

Net Tax Expenditures: These values are determined by reducing the gross tax expenditures by applicable PILOTs. Tax abatements, which are credits used to reduce tax liability (rather than assessment reductions), are included in this column.

Real Property Tax

Table 1
CITY PROGRAMS
REAL PROPERTY TAX EXPENDITURES
Fiscal Year 2017

Program	Number of Exemptions & Abatements	Exempt Assessed Value ¹ (\$ millions)	Tax Expenditure (\$ millions)
HOUSING DEVELOPMENT	183,798	14,001.9	1,926.1
J-51 Exemption	22,197	1,590.7	205.2
Residential	22,171	1,588.4	204.9
Commercial	26	2.3	0.2
J-51 Abatement	80,234	N/A	81.7
Residential	80,203	N/A	81.7
Commercial	31	N/A	0.1
421-a, New Multiple Dwellings	72,959	10,237.2	1,319.0
10-year exemption	15,561	1,624.0	204.9
15-year exemption	37,969	3,056.4	399.5
20-year exemption	467	3,199.7	408.5
25-year exemption	18,962	2,357.2	306.0
Residential	62,018	9,623.5	1,254.1
Commercial	10,941	613.7	64.9
421-b, New Private Housing	350	1.8	0.4
HPD Division of Alternative Management	1,025	305.5	39.4
Lower Manhattan Conversion Exemption ²	2,432	193.7	24.7
Lower Manhattan Conversion Abatement ²	2,563	N/A	37.3
420-c, Low-Income Housing	1,707	1,673.0	210.8
Major Capital Improvement (MCI) Cost Abatement	331	N/A	7.7
INDIVIDUAL ASSISTANCE	472,262	1,145.6	822.6
Senior Citizen Homeowner Exemption (SCHE)	52,787	722.1	130.7
Senior Citizen Rent Increase Exemption(SCRIE) ³	58,710	N/A	145.8
Disabled Person Rent Increase Exemption (DRIE) ³	10,764	N/A	23.4
Veterans Exemption	56,389	357.3	23.7
Low Income Disabled Homeowner Exemption	4,940	66.1	12.1
Physically Disabled Crime Victims Exemption	5	0.1	0.0
Co-op/Condo Abatement	288,667	N/A	486.8

(continued)

1 When the program provides an abatement rather than an exemption, this column is marked "N/A".

2 The Lower Manhattan Conversion program was enacted as part of the Commercial Revitalization Program, described later.

3 Data as of January 31, 2017.

Real Property Tax

Table 1 (continued)
CITY PROGRAMS
REAL PROPERTY TAX EXPENDITURES
Fiscal Year 2017

Program	Number of Exemptions & Abatements	Exempt Assessed Value ¹ (\$ millions)	Tax Expenditure (\$ millions)
ECONOMIC DEVELOPMENT	7,696	6,553.8	794.6
Industrial & Commercial Incentive Program	6,251	6,156.8	652.9
Industrial & Special Commercial	1,919	1,709.7	181.6
All Other Commercial Projects	4,332	4,447.1	471.2
Industrial & Commercial Abatement Program	681	N/A	81.4
Other Commercial & Industrial Programs	764	397.0	60.3
Major League Sports Facilities	1	397.0	42.0
Commercial Expansion Program	763	N/A	18.4
OTHER	3,565	299.7	35.5
Cooper Union/Chrysler Building	4	299.6	28.5
"Green Roof" Abatement	2	N/A	0.0
Solar Electric Generating System Abatement	3,558	N/A	7.0
Solar, Wind or Farm Waste Energy System Exemption	1	0.1	0.0
TOTAL: CITY PROGRAMS	667,321	22,001.0	3,578.7
Total Residential	172,800	13,385.9	1,860.9
Total Commercial/Industrial	18,694	7,169.8	859.8
Total Individual Assistance	472,262	1,145.6	822.6
Other	3,565	299.7	35.5

Real Property Tax

**Table 2
CITY PROGRAMS
REAL PROPERTY TAX EXPENDITURES BY BOROUGH
Fiscal Year 2017**

Program	CITYWIDE		MANHATTAN		THE BRONX	
	Number of Exemptions & Abatements	Tax Expenditure (\$ millions)	Number of Exemptions & Abatements	Tax Expenditure (\$ millions)	Number of Exemptions & Abatements	Tax Expenditure (\$ millions)
HOUSING DEVELOPMENT PROGRAMS	183,798	1,926.1	36,925	967.5	71,372	204.2
J-51 Exemption	22,197	205.2	2,261	70.5	13,335	64.7
J-51 Abatement	80,234	81.7	8,819	20.6	53,614	24.2
421-a, New Multiple Dwellings	72,959	1,319.0	19,607	700.0	3,634	57.0
421-b, New Private Housing	350	0.4	1	0.0	31	0.0
HPD Division of Alternative Management	1,025	39.4	581	28.7	214	4.7
Lower Manhattan Conversion Exemption	2,432	24.7	2,432	24.7	0	0.0
Lower Manhattan Conversion Abatement	2,563	37.3	2,563	37.3	0	0.0
420-c, Low-Income Housing	1,707	210.8	570	83.7	448	50.6
Major Capital Improvement (MCI) Cost Abatement	331	7.7	91	2.0	96	2.9
INDIVIDUAL ASSISTANCE PROGRAMS	472,262	822.6	183,739	449.2	35,376	45.1
Senior Citizen Homeowner Exemption (SCHE)	52,787	130.7	2,495	10.2	4,617	9.1
Senior Citizen Rent Increase Exemption (SCRIE)	58,710	145.8	19,367	52.6	10,099	19.7
Disabled Person Rent Increase Exemption (DRIE)	10,764	23.4	3,326	7.3	2,468	4.2
Veterans Exemption	56,389	23.7	5,335	5.4	4,490	1.5
Low-Income Disabled Homeowner Exemption	4,940	12.1	155	0.6	446	0.9
Phys. Disabled Crime Victims Exemption	5	0.0	1	0.0	0	0.0
Co-op/Condo Abatement	288,667	486.8	153,060	373.1	13,256	9.6
ECONOMIC DEVELOPMENT PROGRAMS	7,696	794.6	1,133	232.0	811	102.6
Industrial & Commercial Incentive Program	6,251	652.9	587	160.3	705	78.4
Industrial & Commercial Abatement Program	681	81.4	56	17.1	86	23.7
Major League Sports Facilities	1	42.0	1	42.0	0	0.0
Commercial Expansion Program	763	18.4	489	12.6	20	0.4
OTHER	3,565	35.5	532	28.6	109	0.5
Cooper Union/Chrysler Building	4	28.5	4	28.5	0	0.0
"Green Roof" Abatement	2	0.0	0	0.0	1	0.0
Solar Electric Generating System Abatement	3,558	7.0	528	0.2	108	0.5
Solar, Wind or Farm Waste Energy System Exemption	1	0.0	0	0.0	0	0.0
TOTAL: CITY PROGRAMS	667,321	3,578.7	222,329	1,677.3	107,668	352.3

(continued)

Real Property Tax

Table 2 (continued)
CITY PROGRAMS
REAL PROPERTY TAX EXPENDITURES BY BOROUGH
Fiscal Year 2017

	BROOKLYN		QUEENS		STATEN ISLAND	
	Number of Exemptions & Abatements (\$ millions)	Tax Expenditure (\$ millions)	Number of Exemptions & Abatements (\$ millions)	Tax Expenditure (\$ millions)	Number of Exemptions & Abatements (\$ millions)	Tax Expenditure (\$ millions)
HOUSING DEVELOPMENT PROGRAMS	53,249	513.7	21,488	229.1	764	11.7
J-51 Exemption	6,151	53.3	443	14.0	7	2.7
J-51 Abatement	13,445	25.2	4,016	10.7	340	1.1
421-a, New Multiple Dwellings	32,633	368.0	16,835	190.6	250	3.4
421-b, New Private Housing	68	0.1	96	0.1	154	0.1
HPD Division of Alternative Management	223	5.9	7	0.1	0	0.0
Lower Manhattan Conversion Exemption	0	0.0	0	0.0	0	0.0
Lower Manhattan Conversion Abatement	0	0.0	0	0.0	0	0.0
420-c, Low-Income Housing	645	59.9	35	12.1	9	4.4
Major Capital Improvement (MCI) Cost Abatement	84	1.3	56	1.4	4	0.0
INDIVIDUAL ASSISTANCE PROGRAMS	89,428	130.1	140,504	174.1	23,215	24.1
Senior Citizen Homeowner Exemption (SCHE)	14,796	37.2	24,081	59.7	6,798	14.5
Senior Citizen Rent Increase Exemption (SCRIE)	16,481	39.9	12,353	32.9	410	0.7
Disabled Person Rent Increase Exemption (DRIE)	3,204	7.2	1,691	4.5	75	0.2
Veterans Exemption	11,494	4.2	23,203	8.4	11,867	4.3
Low-Income Disabled Homeowner Exemption	1,363	3.5	1,838	4.5	1,138	2.6
Phys. Disabled Crime Victims Exemption	2	0.0	1	0.0	1	0.0
Co-op/Condo Abatement	42,088	38.2	77,337	64.2	2,926	1.7
ECONOMIC DEVELOPMENT PROGRAMS	2,732	160.6	2,491	270.5	529	28.9
Industrial & Commercial Incentive Program	2,388	138.3	2,094	249.4	477	26.5
Industrial & Commercial Abatement Program	224	20.2	268	18.0	47	2.3
Major League Sports Facilities	0	0.0	0	0.0	0	0.0
Commercial Expansion Program	120	2.1	129	3.1	5	0.1
OTHER	258	0.7	547	1.6	2,119	4.1
Cooper Union/Chrysler Building	0	0.0	0	0.0	0	0.0
"Green Roof" Abatement	0	0.0	0	0.0	1	0.0
Solar Electric Generating System Abatement	258	0.7	546	1.6	2,118	4.1
Solar, Wind or Farm Waste Energy System Exemption	0	0.0	1	0.0	0	0.0
TOTAL: CITY PROGRAMS	145,667	805.0	165,030	675.3	26,627	68.8

Note: Totals may not add due to rounding.

Real Property Tax

J-51 Program, Residential Alterations and Rehabilitation

Citation

NYS Real Property Tax Law, Section 489
NYC Administrative Code, Section 11-243

Policy Objective

Encourage the rehabilitation of existing residential structures by providing tax exemptions and abatements.

Description

J-51 benefits vary based on government involvement in the rehabilitation of the property, its location, and the extent and nature of the improvement.

Government-assisted projects receive enriched benefits, including a tax exemption for 34 years (30 years at full exemption followed by a four-year period of declining exemption) on the increase in assessed value due to renovation or rehabilitation, and an abatement that may equal the actual claimed cost, applied at a rate of 12.5 percent annually, for up to 20 years. Rehabilitation of formerly City-owned buildings receiving substantial government assistance through a program for affordable housing may also receive a 34-year exemption and an abatement of up to 150 percent of the reasonable cost of rehabilitation. In 1993, these enriched exemption and abatement benefits were extended to conversions of class A multiple dwellings and rehabilitation of class A buildings that are not entirely vacant, pursuant to the above conditions.

Properties that undergo renovations that qualify as Major Capital Improvements, such as the replacement of heating, plumbing or roofing systems, installation of new windows, or exterior and parapet wall repainting, may receive an exemption for 14 years (10 years at full exemption followed by a four-year period of declining exemption). Existing taxes may be abated for up to 90 percent of the reasonable cost of rehabilitation, at a rate of 8½ percent per year, for as long as 20 years. Buildings in designated areas of Manhattan below 96th Street are eligible for abatement of taxes on the building assessment, not the land, up to \$2,500 per unit. Moderate rehabilitation projects, where there is a significant improvement to at least one major building-wide system, receive a 34-year tax exemption and an abatement of no more than 20 years for up to 100 percent of the reasonable cost. A major requirement is that the property remains substantially occupied during the rehabilitation.

Rental units must remain under rent regulation during the benefit period. Benefits are also available to cooperatives, condominiums, and Mitchell-Lama housing, with some limitations.

A 2013 legislative enactment added restrictions on benefits for certain projects completed on or after December 31, 2011: (1) with some exceptions, J-51 benefits will not be allowed for alterations or improvements to cooperative or condominium buildings with an average unit assessed value of \$30,000 or more unless the work was carried out with substantial

Real Property Tax

governmental assistance¹; and (2) no benefits will be granted for the conversion of a non-residential building into a Class A multiple dwelling unless the conversion was carried out with substantial governmental assistance.

In 2015, the State Legislature authorized the City Council to adopt local legislation to extend the deadline for completing projects to June 29, 2019. In 2016, the City Council, acting on state legislative authorization, adopted a local law that extended the deadline for completing projects in order to qualify for J-51 benefits to June 29, 2019.

Distributional Information

In FY 2017, the J-51 program provided 22,197 exemptions and 80,234 abatements to 509,914 units. The exempt assessed value of these properties was \$1,590.7 million. This total exempt value was distributed according to property type as shown in the table below. Additional distributional information appears in Appendix III.

Property Type	J-51 Benefits by Property Type			
	Exemptions		Abatements	
	Units	Exempt Assessed Value	Units	Abatement
1-3 Family	0.1%	0.1%	0.1%	0.5%
Condos	17.6%	25.4%	6.6%	17.1%
Co-ops	9.2%	6.4%	42.7%	23.5%
Rentals	72.6%	67.4%	50.4%	57.9%
Mixed Use	0.5%	0.7%	0.2%	1.0%
	100.0%	100.0%	100.0%	100.0%

Tax Expenditure

\$286.9 million; consists of \$205.2 million in exemption-related and \$81.7 million in abatement-related tax expenditures.

¹ Under 2016 legislation, the \$30,000 ceiling will increase, beginning in 2017, to reflect cost-of-living increases; however, the new ceiling cannot exceed \$35,000.

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Section 421-a, New Multiple Dwellings

Citation

NYS Real Property Tax Law, Section 421-a
NYC Administrative Code, Sections 11-245, 11-245.1, 11-245.1-a and 11-245.1-b

Policy Objective

Promote construction of multi-family residential buildings with at least three dwelling units by providing a declining exemption on the new value created by the improvement.

Description

The Section 421-a program is used to promote multi-family residential construction by providing a declining exemption on the new value created by the improvement. The program has been amended since its initial enactment in the early 1970's to expand benefits based on location and other qualifying conditions, which include: (a) substantial government assistance; (b) at least 20 percent of the units must be reserved for low- and moderate-income occupants; or (c) participation in the lower-income housing production program. All projects are eligible for exemption during the construction period, but not exceeding three years.

Depending on the area of the City in which the project is located, the date construction commenced and other factors, the project may qualify for a 10-year, 15-year, 20-year, or 25-year exemption following the construction period exemption. Each exemption begins with a period of full exemption on the assessed value of the new construction followed by a period during which the exemption is phased out. Through local legislative action, the City may limit benefits in certain situations.

In 2013, special legislation was enacted to allow 421-a benefits for projects constructed on specifically designated blocks and lots in high density districts of Manhattan where benefits were formerly not permitted, provided the developers meet certain requirements regarding the availability of affordable housing and comply with other statutory conditions. The parcels in question are lots 13 and 14 of block 51, lots 17, 18 and 21 of block 90, lots 7, 8, 10, 11, 57 and 111 of block 1010, lots 33, 34 and 35 of block 1259, and lot 10 of block 123.

In 2014, special legislation was enacted to allow 421-a benefits for a project in the Bronx consisting of unsubsidized dwellings with fewer than four units, provided certain conditions are met. (Generally, multiple dwellings with fewer than four units are eligible for benefits only if they are receiving governmental subsidies for the development of affordable housing.) The project is located on lots 1667 through 1708 and 1801 through 1964 of block 3432.

Prior to 2015, otherwise eligible projects could qualify for 421-a benefits if construction commenced before June 15, 2015. Under legislation enacted in 2015, the existing 421-a program was extended to cover any project on which construction is commenced not later than December 31, 2015 and completed on or before December 31, 2019. The owners of certain projects that are currently receiving 421-a benefits are given the option of extending the

exemption for 10 or 15 years in return for agreeing to preserve existing affordable units and provide additional affordable units during the extended period.

The 2015 legislation also established a new 421-a exemption program for projects on which construction commences between January 1, 2016 and June 15, 2019 and is completed not later than June 15, 2023. However, the legislation provided that the new program would take effect only if representatives of residential real estate developers and construction labor unions signed a memorandum of understanding regarding wages payable to construction workers on 421-a projects with more than 15 units no later than January 15, 2016. Since no agreement was reached by the deadline, and since no other legislative action has been taken as of the date of this report, no new 421-a program is in effect.

The 421-a program is administered by the City’s Department of Housing Preservation and Development.

Distributional Information

In FY 2017, the City provided 72,959 residential exemptions under the 421-a program. Rental buildings and condominium apartments received a large percentage of these exemptions. Overall, there were 171,109 units receiving tax benefits with an exempt value of \$10,237.2 million. This total exempt value was distributed according to property type as shown in the table below. Additional distributional information appears in Appendix III.

421-a Benefits by Property Type		
Property Type	Units	Exempt Assessed Value
1 - 3 Family	5.2%	1.8%
Condos	29.2%	30.0%
Co-ops	3.3%	3.1%
Rentals	55.0%	58.5%
Mixed Use	7.3%	6.5%
Total	100.0%	100.0%

Tax Expenditure

\$1,319.0 million

Real Property Tax

Section 421-b, New Private Homes

Citation

NYS Real Property Tax Law, Section 421-b

Policy Objective

Promote new private home construction by making home ownership more affordable to a larger segment of the population.

Description

The 421-b program provides a declining eight-year property tax exemption for the construction of one- and two-family homes. There are no geographic restrictions.

As in other programs, the building assessment is exempt during the construction period, not to exceed two years. Thereafter, the property is fully exempt for an additional two years. In the third year, the exemption is reduced to 75 percent and declines by 12½ percent in each subsequent year, until the ninth year when the property becomes fully taxable. The exemption is applicable only to the value of the new construction. During the exemption period, the property owner must pay a minimum tax, which is based on the lesser of: (a) the assessed valuation during the tax year immediately preceding the tax year in which construction was commenced; or (b) in the case of new construction, the assessed valuation of the land appearing on the tax roll in the first year after completion of construction.

The 421-b program has been periodically extended, most recently to projects commenced between July 1, 2002 and June 30, 2006 and completed no later than July 1, 2011.

In 2004, the State legislature expanded the program to include certain owner-occupied multiple dwellings containing up to four dwelling units. To qualify, the multiple dwelling must be in a government-assisted project located on property acquired by the federal government through foreclosure of a federally-insured mortgage and conveyed to an approved owner for rehabilitation pursuant to an agreement with the federal government. In addition, the project must have commenced between July 1, 2002 and June 30, 2006 and been completed no later than July 1, 2008.

Distributional Information

In FY 2017, the City provided 350 exemptions, worth \$1.8 million in exempt assessed value, to one- to three-family homes. Staten Island accounted for 44 percent of the 350 homes that received benefits. Additional distributional information appears in Appendix III.

Tax Expenditure

\$0.4 million

**Department of Housing Preservation and Development -
Division of Alternative Management Programs (DAMP)**

Citation

NYS Private Housing Finance Law, Section 577

Policy Objective

Return City-owned residential properties to private ownership.

Description

The Division of Alternative Management Programs operates several programs that select alternative managers for residential properties foreclosed by the City for nonpayment of taxes, with the goal of returning these properties to the tax roll. These programs are known as the Community Management Program (CMP), the Tenant Interim Lease Program (TILP), the Private Ownership and Management Program (POMP), and the Urban Homesteading Program. These programs differ in the kind of alternative manager they select.

The CMP selects not-for-profit community housing organizations to manage and upgrade occupied City-owned residential buildings in their neighborhoods. The goal of the program is to sell a building to its tenants as a low-income cooperative for \$250 per unit.

The TILP helps organized tenant associations develop occupied City-owned buildings into economically self-sufficient, low-income tenant-owned cooperatives. The program provides training to the tenant associations, and the rental income is used to cover operating expenses, repairs, and management fees.

The POMP provides private real estate firms an opportunity to manage, repair and eventually purchase occupied City-owned buildings. Firms that pass an initial screening enter into a contract with DAMP, which allocates community development funds and capital budget funds to cover major repairs and the difference between operating costs and rent collections for the first six months. After a year of successful management under City supervision, the building may be sold to the private firm.

Under the Urban Homesteading Program, organized low- and moderate-income families with construction skills can rehabilitate and purchase vacant buildings as low-income cooperatives. Participants receive financial and technical assistance from the City.

Properties sold through DAMP receive certain real property tax breaks on the residential portion of the property for a forty-year period. For properties in the program in FY 1990, the taxable assessed value of the residential portion is equal to \$3,500 per dwelling unit. For properties that have entered the program since FY 1990, the taxable assessed value per unit is subject to the terms of the applicable City Council resolution. Commencing July 1, 1990 and applicable to all properties in the program, the taxable assessed value per dwelling unit is

Real Property Tax

subject to limited increases of 6 percent annually and 20 percent over any five-year period. Any assessed value in excess of these amounts is fully exempt.

Distributional Information

In FY 2017, there were 1,025 DAMP exemptions on properties containing 20,601 units. The total exempt assessed value was \$305.5 million. These benefits were distributed by property type as shown in the table below. More distributional information appears in Appendix III.

DAMP Benefits by Property Type		
Property Type	Units	Exempt Assessed Value
1 - 3 Family	0.0%	0.0%
Condos	0.0%	0.0%
Co-ops	76.3%	77.6%
Rentals	23.5%	22.1%
Mixed Use	0.2%	0.2%
Total	100.0%	100.0%

Tax Expenditure

\$39.4 million

Commercial Revitalization Program and Commercial Expansion Program

Description

In 1995, at the City's request, the State Legislature enacted the Commercial Revitalization Program designed to increase tenant occupancy in office and retail space in lower Manhattan and in certain other areas of the City and to reduce building obsolescence by encouraging investment in older commercial space or conversion to residential use. The program provides tax incentives through the real property and commercial rent taxes and energy subsidies through the Energy Cost Savings Program.

In 2000, the State Legislature enacted the Commercial Expansion Program in order to promote the development of commercial and industrial areas outside of Manhattan's central business districts.

The components of these programs are listed below. Since some of the components are part of other City tax expenditure programs, more detailed descriptions of program benefits are provided separately, either as part of write-ups on general programs or as stand-alone entries. The detailed write-ups can be found on the pages indicated below.

Commercial Revitalization Program: Lower Manhattan

	<u>page</u>
Real Property Tax Abatement ¹	22
Commercial Rent Tax Abatement	84
Energy Cost Savings Program	84
Conversion of Non-Residential Buildings to Residential Use	26

Commercial Expansion Program: Special Garment Center District and Designated Areas Outside of Manhattan's Central Business Districts

	<u>page</u>
Real Property Tax Abatement ¹	22
Relocation and Employment Assistance Program (REAP)	82
Industrial and Commercial Incentive Program / Industrial and Commercial Abatement Program	40

¹ As part of the Commercial Revitalization Program, a tax abatement program was created for commercial leases in selected areas of Manhattan above 96th Street and the other boroughs. This program (sections 499aa through 499hh of the Real Property Tax Law) was expanded as part of the Commercial Expansion Program.

Real Property Tax

Commercial Revitalization Program: Commercial Leases in Lower Manhattan

Citation

NYS Real Property Tax Law, Sections 499a – 499h

Policy Objective

Promote more productive use of older commercial properties in Lower Manhattan by stimulating economic activity.

Description

At the request of the City, the State Legislature enacted the Commercial Revitalization Program in 1995 to promote economic activity in lower Manhattan and certain other areas of the City.¹ The Real Property Tax Abatement Program was, and still is, an integral part of the revitalization strategy to increase tenant occupancy of office and retail space and encourage investment in older commercial space.

The real property tax abatement is granted for space that has been leased (new, renewal, or expansion lease) for office or retail purposes. For leases with a term of five years or more, the abatement lasts for five years. In years one, two and three, the abatement is equal to the tax liability per square foot, not to exceed \$2.50 per square foot, for all leases commencing on or after April 1, 1997. The abatement for years four and five is equal to two-thirds and one-third, respectively, of the abatement initially granted. The program also provides a more limited abatement for leases with a minimum term of three years but less than five years. The abatement in the initial year equals the tax liability per square foot, but not exceeding \$2.50 per square foot. In years two and three, the abatement is equal to two-thirds and one-third, respectively, of the abatement in the initial year. The minimum three-year lease term is an option available only to tenants who employ no more than 125 people at the eligible premises. Tenants employing more than 125 people must sign leases with a minimum term of 10 years.

The program imposes other eligibility requirements as follows:

- The space leased must be located in a non-residential or mixed-use building constructed prior to 1975 and located in the statutorily designated Abatement Zone.
- There are mandatory minimum required expenditures for tenant improvements and/or common areas.
- Pursuant to an amendment enacted in 2015, the lease must be signed within the eligibility period that will end March 31, 2018. Additionally, the benefit period cannot extend beyond March 31, 2024.

¹ The original Commercial Revitalization Program included a tax abatement program for commercial leases in selected areas elsewhere in the City. This benefit is now part of the Commercial Expansion Program.

In 2006, the program was extended to private elementary or secondary school premises.

Tax Expenditure

See pages 24-25.

Real Property Tax

Commercial Expansion Program: Commercial and Industrial Leases in Special Garment Center District and in Areas Outside Manhattan's Central Business Districts

Citation

NYS Real Property Tax Law, Sections 499-aa through 499-hh

Policy Objective

Encourage businesses to locate in Manhattan above 96th Street (or in the mid-town Special Garment Center District), the Bronx, Brooklyn, Queens, and Staten Island.

Description

This program, originally enacted in 1995, was extended and amended in 2000 as part of the City's Commercial Expansion Program. The program provides a real property tax reduction for space that has been leased (new, renewal or expansion lease) for commercial, office or industrial purposes within Expansion areas — all manufacturing districts and most commercial areas outside Manhattan's central business districts. The tax abatement is passed through to the tenant as a reduction in rent. The program excludes any space occupied or used for retail, hotel or residential purposes.

To be eligible, the premises must be located in a non-residential or mixed-use building with a minimum aggregate floor area of 25,000 square feet. The building and the premises must meet statutory deadlines concerning completion of construction and lease commencement date. Finally, the program requires minimum improvements to the premises, varying by the length of the lease and the number of employees that will be located at the premises.

The program provides the same tax benefits and structure as the Real Property Tax Abatement program under the Commercial Revitalization Program. Qualifying leases with a term of five years or more are eligible for a five-year tax abatement while qualifying leases with a term of at least three years but less than five years are eligible for the three-year benefit.

Under legislation enacted in 2005, the program was liberalized to promote manufacturing and industrial activity within the Expansion areas as well as in the Manhattan Special Garment Center District, as defined in the City's zoning resolution. "Industrial and manufacturing activities" are defined as activities involving the assembly of goods to create a different article, or the processing, fabrication or packaging of goods. A qualifying firm that enters into a lease for three years or more on or after July 1, 2005 is eligible for a tax abatement/rent reduction for up to 120 months. Space in any non-residential or mixed-use building can qualify for the benefit, regardless of the building's size or when it was constructed. Other program conditions have also been eased for qualifying firms, including those related to expenditures for building improvements and employment levels. In 2006, amendments modified and clarified the 2005 changes. Under 2015 legislation, the end of the eligibility period has been extended from June 30, 2016 to June 30, 2018.

Tax Expenditure

\$18.4 million [real property tax abatements for commercial leases in Commercial Revitalization Program and Commercial Expansion Program areas].

Real Property Tax

Lower Manhattan Conversion: Non-Residential Buildings to Residential Use

Citation

NYS Real Property Tax Law, Section 421-g

Policy Objectives

To promote more productive use of non-residential buildings in Lower Manhattan

Description

Created as part of the Commercial Revitalization Program, section 421-g provides a real property tax exemption on the increase in assessed value due to conversion of non-residential buildings to residential use. The program also provides for an abatement of existing property taxes.

To qualify for tax benefits, the building must be in the statutorily defined Lower Manhattan Abatement Zone and a permit for conversion must be issued between July 1, 1995 and June 30, 2006. If, after conversion, more than 12 percent of the building's aggregate floor area consists of commercial, community facility and accessory use space, the exemption and abatement will be reduced by the difference between the percentage of space so used and 12 percent. If more than 25 percent of the aggregate floor space is used for commercial, community facility or accessory use, the exemption and abatement will be revoked. For the purpose of this statute, "accessory use space" will be deemed not to include home occupation or accessory parking space located not more than 23 feet above the curb level. Notwithstanding any other provision of State or local law relating to rent stabilization, the rents of dwelling units in an eligible building are subject to control while the building is receiving a tax exemption and/or abatement.

The program provides a tax exemption for 12 years, including the first eight years at 100 percent. In the remaining four years, the exemption percentage declines at a rate of 20 percentage points in each year. The tax abatement granted for the first ten years is equal to the property's taxes in its first year of participation in the program. In years 11 through 14 of the abatement period, the abatement percentage is reduced by 20 percentage points each year. If the property has been designated as a landmark prior to completion of conversion, the exemption and abatement periods are increased by extending the 100 percent exemption period to nine years and the full abatement period to 11 years.

Tax Expenditure

\$62.0 million; consists of \$24.7 million in exemption-related and \$37.3 million in abatement-related tax expenditures.

Section 420-c, Low-Income Housing Exemption

Citation

NYS Real Property Tax Law, Section 420-c

Policy Objective

Assist nonprofit organizations in providing affordable housing for low-income tenants.

Description

The section 420-c program, enacted in 1993, provides a 100 percent exemption from real property taxes for qualifying low-income housing located in New York City. Under 2004 legislation, and applicable to exemption applications approved on or after September 28, 2004, the exemption generally applies to property owned by an entity wholly controlled by a charitable or social welfare organization recognized as exempt under the U.S. Internal Revenue Code, where the property provides housing accommodations to persons and families of low income, participates in or has participated in the federal low-income housing tax credit program, and is subject to a regulatory agreement with the City’s Department of Housing Preservation and Development. The exemption terminates upon the expiration or termination of the regulatory agreement. Applications approved prior to September 28, 2004 were subject to different ownership and certain other requirements.

Distributional Information

In FY 2017, there were 1,707 Section 420-c exemptions on properties containing 56,086 units. The total exempt assessed value was \$1,673.0 million. Rentals accounted for 94 percent of all units and most of the other units were devoted to uses such as adult care facilities and homes for the indigent. Appendix III has additional distributional information.

420-c Benefits by Property Type		
Property Type	Units	Exempt Assessed Value
1 - 3 Family	0.2%	0.1%
Condos	0.0%	0.0%
Co-ops	1.6%	1.6%
Rentals	93.5%	85.0%
Mixed Use	4.8%	13.3%
Total	100.0%	100.0%

Tax Expenditure

\$210.8 million

Real Property Tax

Rehabilitation of Single-Room Occupancy Housing

Citation

NYS Real Property Tax Law, Section 488-a
NYC Administrative Code, Section 11-244

Policy Objective

Encourage the rehabilitation of existing single-room occupancy housing units.

Description

Dating back to 1980, this program is designed to encourage the rehabilitation of multiple dwellings used for single-room occupancy by providing tax exemption and abatement for eligible improvements to a qualifying building. Eligible improvements include the upgrading or replacement of heating systems, electrical systems, elevators, plumbing, sprinklers, fire escapes and roofing, and other work necessary to meet code requirements. Qualifying buildings can receive tax exemption for 32 years on any increase in assessed value that results from eligible improvements, and an annual tax abatement, for up to 20 years, equal to 12½ percent of the reasonable cost of eligible improvements as certified by the Department of Housing Preservation and Development. The annual abatement cannot exceed the taxes otherwise payable for the year, and the total abatement cannot exceed the lesser of (a) 150 percent of the certified reasonable cost or (b) the actual cost of the eligible improvements.

This program has been extended periodically, most recently to eligible improvements commenced before December 31, 2019 and completed within 36 months from commencement.

Tax Expenditure

None

Major Capital Improvement (MCI) Cost Abatement

Citation

Chapter 20 (Part A, § 65), NYS Laws of 2015

Policy Objective

Help compensate landlords of rent-regulated buildings for economic losses resulting from the lengthening of the period for amortizing major capital improvement costs.

Description

In connection with various amendments in 2015 to the City's rent control and rent stabilization laws, the period during which a landlord can amortize or recoup the cost of building-wide major capital improvements (MCIs) through increased apartment rents has been increased from seven years to eight years in the case of a building with no more than 35 units or nine years in the case of a building with more than 35 units. Landlords affected by this change are eligible to receive a real property tax abatement equal to 50 percent of the economic loss attributable to the extended amortization period. Such economic loss is determined by multiplying the total approved cost of the major capital improvement by a fraction whose numerator is the increase, measured in months, in the amortization period (12 or 24 months) and whose denominator is the total number of months in the new amortization period (96 or 108 months). The abatement applies only during the City fiscal year following the approval of an application for abatement by the NYC Department of Finance, and no part of the abatement can be carried over to any subsequent fiscal year.

The legislation became effective June 2015.

Tax Expenditure

\$7.7 million

Real Property Tax

Senior Citizen Homeowner Exemption (SCHE)

Citation

NYS Real Property Tax Law, Section 467
NYC Administrative Code, Section 11-245.3

Policy Objective

To provide real property tax relief to elderly homeowners with limited incomes.

Description

This program provides a partial exemption of the assessed value of the legal residence occupied in whole or in part by the owner(s) of the property. To qualify for the benefit, the following conditions must be met: (a) all owners must be at least 65 years of age, except that if the property is owned by a married couple or siblings, only one of them must meet the age criterion; (b) combined household income may not exceed specified limits detailed below; and (c) the owner must have held title to the property for a minimum of 12 consecutive months, although exceptions may apply when a qualifying property is sold and a new one purchased. There are two instances in which a property will qualify for SCHE although the qualifying senior citizen does not hold title to the property: (1) the property is held in trust for the benefit of a person or persons who meet the income and age requirements; or (2) the person or persons hold a legal life estate in the property.

Eligible tenant-shareholders of cooperative apartments can also claim SCHE benefits. For purposes of this program, the co-op tenant-shareholder is deemed to own that portion of the property represented by his or her proportionate share of the outstanding stock of the corporation. A co-op tenant-shareholder who resides in a dwelling subject to Article II, IV, V, or XI of the Private Housing Finance Law may be eligible for an exemption under the SCHE program if he or she is not eligible for a rent increase exemption pursuant to the Senior Citizen Rent Increase Exemption program. The reduction in taxes realized by the cooperative housing corporation must be credited against the amount of taxes payable by the eligible shareholder.

The SCHE exemption applies only to the portion of the property used for residential purposes.

The income eligibility ceiling has been raised several times since the program's inception. Beginning in FY 2010, a 50-percent exemption is available for homeowners with incomes no greater than \$29,000. For homeowners with incomes between \$29,001 and \$31,999, the tax exemption is reduced by five percentage points for each \$1,000 increment in income above \$29,000. For those with incomes between \$32,000 and \$37,399, the exemption percentage declines by five percentage points for each \$900 increment in income above \$31,999.

The Senior Citizen Homeowner Exemption does not include a sunset provision.

Distributional Information

In FY 2017, there were 52,787 exemptions with an exempt value of \$722.1 million. The following table gives a distribution of these households by income range. Additional distributional information appears in Appendix III.

Percentage Exemption	Income Range	Number of Exemptions	Percent of Total Exemptions	Exempt Assessed Value (\$ millions)
50%	\$0-\$29,000	37,559	71.2%	540.1
45%	\$29,000-\$29,999	866	1.6%	11.6
40%	\$30,000-\$30,999	909	1.7%	10.5
35%	\$31,000-\$31,999	801	1.5%	8.4
30%	\$32,000-\$32,899	680	1.3%	6.1
25%	\$32,900-\$33,799	632	1.2%	4.9
20%	\$33,800-\$34,699	534	1.0%	3.2
15%	\$34,700-\$35,599	592	1.1%	3.0
10%	\$35,600-\$36,499	474	0.9%	1.6
5%	\$36,500-\$37,399	477	0.9%	1.9
	Income Unspecified ¹	<u>9,263</u>	<u>17.5%</u>	<u>130.8</u>
	TOTAL	52,787	100.0%	722.1

¹Senior Citizens Homeowner Exemptions are aggregated for each cooperative building. As a result, incomes cannot be specified for individual apartment owners.

**Senior Citizen Homeowner Exemption
Benefits by Property Type**

Property Type	Units	Exempt Assessed Value
1 - 3 Family	77.3%	72.8%
Condos	3.1%	4.6%
Co-ops	17.5%	18.1%
Rentals	1.3%	3.4%
Mixed Use	0.7%	1.0%
Total	100.0%	100.0%

Tax Expenditure

\$130.7 million

Real Property Tax

Senior Citizen Rent Increase Exemption (SCRIE) / Disabled Person Rent Increase Exemption (DRIE)

Citation

NYS Real Property Tax Law, Sections 467-b, 467-c
NYC Administrative Code, Sections 26-405, 26-406, 26-509, 26-601 to 26-616

Policy Objective

To eliminate rent increases for elderly and disabled tenants with limited incomes who meet certain income guidelines.

Description

The Senior Citizen Rent Increase Exemption program (SCRIE) exempts an eligible renter from increases in rent above one-third of total household income. In return, the landlord receives a real property tax abatement equal to the amount of rent forgiven. If the total rent increase exemption applicable to a property exceeds the taxes due, a real property tax refund is granted.

Tenants may be eligible for the SCRIE program if they are at least 62 years old and have a total household income that does not exceed \$29,000 (but see below). The definition of “income” excludes payments made to individuals because of their status as victims of Nazi persecution as defined in P.L. 103-286. Once tenants qualify for the program, increases in their Social Security income are excluded from the determination of total household income. Furthermore, the tenant must reside in a rent-controlled, rent-stabilized or rent-regulated (such as Mitchell-Lama housing) unit.

Legislation enacted in 2005 extended the SCRIE program to tenants, regardless of age, who qualify as “persons with disabilities.” To qualify as a disabled person, an individual must be receiving social security disability insurance or supplemental security income benefits under federal law (or currently receiving medical assistance benefits based on prior eligibility for SSDI or SSI), or receiving a veterans disability pension or disability compensation benefits.¹ To be eligible for the DRIE benefit, the combined income of all members of the disabled person’s household cannot exceed the maximum income above which he or she would not be eligible to receive cash supplemental security income under federal law.

Under legislation enacted in 2014, 2016, and 2017, the SCRIE and DRIE household income eligibility ceilings were increased to \$50,000 for FY 2015 through FY 2020. If these ceilings are not extended by legislation, the prior ceilings will apply beginning in FY 2021. (New York State partially reimburses the City for the added cost of the SCRIE program, but not the DRIE program, due to the income ceiling increase.)

¹ Under 2016 legislation, a person can also qualify as disabled if he or she receives a disability pension or disability compensation benefits provided by the U.S. Postal Service.

Tax Expenditure

SCRIE: \$145.8 million; DRIE: \$23.4 million

Real Property Tax

Veterans Exemption

Citation

NYS Real Property Tax Law, Sections 458 and 458-a
NYC Administrative Code, Sections 11-245.45, 11-245.5, 11-245.6 and 11-245.7

Policy Objective

Provide property tax relief to qualified veterans in recognition of their service to the country and community.

Description

Partial tax exemptions are granted under two sections of the State Real Property Tax Law. The original program, under Section 458, granted tax exemptions to veterans who had purchased real property using a bonus, pension, or insurance, or compensation received as a prisoner of war. The exemption granted is equal to the amount of eligible funds, not to exceed \$5,000, or, effective July 1, 2015, \$7,500; the property is, however, fully subject to tax for educational purposes. A total exemption of up to \$10,000 is provided, for all purposes, for suitable handicapped-designed housing made necessary as the result of a war-related disability.

A veteran who sells a property that has been granted a Section 458 veteran exemption and purchases a new property any time thereafter may be granted a Section 458 exemption for the new property, provided such property qualifies for this exemption. The statute requires that the money received from the sale of the first property equal or exceed the amount of eligible funds used for its purchase and that such funds be subsequently used to purchase the second property.

New veterans exemptions are granted under Section 458-a, based upon service rendered. An exemption equal to 15 percent of the property's assessed value is granted to eligible veterans who served during a specified period of war; an additional 10 percent exemption is available to eligible veterans who served in a combat zone; and an additional exemption may be granted to eligible disabled veterans equal to the product of 50 percent of the veteran's disability rating. However, these exemptions are subject to dollar limitations, which were increased in 2005 pursuant to State and local law and became effective with the assessment roll for FY 2006-2007, as follows: (a) the period of war exemption may not exceed \$54,000, or \$54,000 multiplied by the latest class ratio, whichever is less; (b) the combat zone exemption may not exceed \$36,000, or \$36,000 multiplied by the latest class ratio, whichever is less; and (c) the disability exemption may not exceed \$180,000, or \$180,000 multiplied by the latest class ratio, whichever is less. The Section 458-a exemption does not apply to taxes levied for school purposes.

Section 458 or 458-a exemptions may be granted to properties held in trust for the benefit of a person or persons who would otherwise be eligible for these exemptions but for the fact that they do not hold legal title to the property. Veterans who own and occupy cooperative

apartments, except those in Mitchell-Lama developments or other projects subject to Article II, IV, V or XI of the State Private Housing Finance Law, are also eligible for a veterans exemption. The property or cooperative apartment must be used exclusively for residential purposes and be the primary residence of the veteran or the surviving spouse who has not remarried. If the property is not used exclusively for residential purposes, the non-residential portions of the property are fully taxable.

Distributional Information

In FY 2017, there were 52,406 units (corresponding to 56,389 exemptions) in this program with a total exempt value of \$357.3 million. These properties were primarily located outside Manhattan. Queens accounted for 42 percent of total units. These benefits were distributed by property type as shown below. Additional distributional information appears in Appendix III.

<u>Property Type</u>	<u>Units</u>	<u>Exempt Assessed Value</u>
1 - 3 Family	71.6%	54.2%
Condos	2.1%	4.5%
Co-ops	25.2%	39.6%
Rentals	0.7%	1.3%
Mixed Use	0.4%	0.3%
Total	100.0%	100.0%

Tax Expenditure

\$23.7 million

Real Property Tax

Low-Income Disabled Homeowners

Citation

NYS Real Property Tax Law, Section 459-c
NYC Administrative Code, Section 11-245.4

Policy Objective

To provide real property tax relief to disabled homeowners with limited incomes.

Description

This program provides a partial real property tax exemption for disabled homeowners whose household incomes do not exceed specified levels. A 50-percent exemption is available where income does not exceed a base amount. A declining exemption, ranging from 45 percent to 5 percent, is available where income exceeds that amount. The income ceilings have been raised periodically. Beginning in FY 2010, the income ceiling for the 50-percent exemption is \$29,000. For purposes of the declining exemption schedule, the income ceiling to qualify for the minimum 5 percent exemption is \$37,399 as of July 1, 2009.

For purposes of the exemption, a person is considered disabled if he or she has a physical or mental impairment which substantially limits such person's ability to engage in one or more major life activities. Major life activities include: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. The person must: (a) be certified to receive social security disability insurance or supplemental security income benefits; (b) be certified to receive Railroad Retirement Disability benefits; (c) have received a certificate from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind; or (d) be certified to receive a United States Postal Service or Department of Veterans Affairs disability pension.

The property must be used exclusively for residential purposes or only that portion used for residential purposes shall be entitled to exemption. The property must also be the legal residence of and occupied by the eligible disabled person. An exception is permitted where the disabled person is absent while receiving health-related care as an inpatient of a residential health care facility. The exemption is also applicable to eligible owners of cooperative apartments. No parcel that receives an exemption under Section 459-c may receive an exemption pursuant to Section 467 (Senior Citizen Homeowner Exemption), although in certain cases an eligible homeowner is given the option of choosing whichever exemption is more beneficial.

Tax Expenditure

\$12.1 million

Physically Disabled Crime Victims

Citation

NYS Real Property Tax Law, Section 459-b

Policy Objective

To provide real property tax relief to crime victims or good Samaritans who suffer a disability as a result of a crime.

Description

State law authorizes the City to provide a tax exemption for the assessed value of improvements made to one-, two- or three-family homes that facilitate and accommodate the use and accessibility needs of physically disabled crime victims or good Samaritans. A qualifying crime victim is a person who personally suffers a physical injury as the direct result of a crime. A good Samaritan is a person who is not a law enforcement officer, but who:

1. apprehends a person who committed a crime or a felony in his or her presence; or
2. acts to prevent or attempts to prevent a crime; or
3. assists a law enforcement officer in making an arrest; and
4. was physically disabled as a result of such crime

The qualifying crime victim or good Samaritan must be an occupant of the property for which an exemption is sought and may be the property owner, a member of the homeowner's household, or a resident. The physical disability must be permanent and must substantially limit one or more of the individual's major life activities.

The amount of the exemption is based upon the assessed value of the improvements made to accommodate the physically disabled person. The exemption continues as long as the improvements remain necessary to facilitate and accommodate the use and accessibility of the disabled person.

Tax Expenditure

Less than \$50,000

Real Property Tax

Class Two Cooperatives and Condominiums - Partial Tax Abatement

Citation

NYS Real Property Tax Law, Section 467-a

Policy Objective

Provides partial property tax relief to owners or tenant-shareholders of class two condominiums or cooperatives to reduce the disparity in property taxation between residential real property in class one and class two residential property held in condominium or cooperative form of ownership.

Description

A program was enacted in 1996 to provide partial tax relief for dwelling units owned by condominium owners or cooperative tenant-shareholders who, as of the applicable taxable status date, own no more than three dwelling units in any one property held in condominium or cooperative form of ownership. Units held by sponsors or their successors in interest are not eligible for the abatement. Additionally, properties that already receive a tax exemption or abatement based upon a State or local law are not eligible for this abatement except in certain specified circumstances.

The abatement program had been scheduled to expire at the end of FY 2012 (July 1, 2011 – June 30, 2012), but 2013 legislation extended it until the end of FY 2015 and revised the benefits. In 2015, the revised program was again extended, this time until the end of FY 2019. Before the revision, units with an average assessed value greater than \$15,000 were eligible for an abatement equal to 17.5 percent of the unit's taxes, while units with an average assessed value of \$15,000 or less were eligible for a 25 percent abatement. Under the revised program, units that are the owner's primary residence are allowed benefits as follows:

Average Assessed Value of Residential Units	Benefit Amount Per Year		
	FY 2013	FY 2014	FY 2015 – FY 2019
\$50,000 or less	25.0%	26.5%	28.1%
\$50,001 - \$55,000	22.5%	23.8%	25.2%
\$55,001 - \$60,000	20.0%	21.2%	22.5%
\$60,001 and above	17.5%	17.5%	17.5%

Beginning with FY 2013, a unit that is not the owner's primary residence is no longer eligible for an abatement; however, if the owner had received an abatement in FY 2012, the abatement was phased out over the next two years through a 50 percent reduction in FY 2013 and a 75 percent reduction in FY 2014. Thus, beginning in FY 2015, the abatement is fully phased out for units that are not the owner's primary residence.

Distributional Information

A total of 49,602 condominium units and 239,065 cooperative apartments benefited from this program in FY 2017. Additional distributional information appears in Appendix III.

**Class Two Coop/Condo Partial Tax Abatement
by Property Type**

Property Type	Units	Abatement
Condos	17.2%	23.1%
Coops	82.8%	76.9%
Total	100.0%	100.0%

Tax Expenditure

\$486.8 million

Real Property Tax

Industrial and Commercial Incentive Program (ICIP) / Industrial and Commercial Abatement Program (ICAP)

Citation

NYS Real Property Tax Law, Sections 489-aaaa — 489-llll; 489-aaaaaa — 489-kkkkkk
NYC Administrative Code, Sections 11-256 through 11-267; 11-268 through 11-278

Policy Objective

Encourage economic development by means of tax exemptions and abatements for construction or rehabilitation of commercial, industrial, or mixed-use structures.

Description

Industrial and Commercial Incentive Program

The Industrial and Commercial Incentive Program (ICIP) replaced the Industrial and Commercial Incentive Board (ICIB) in November 1984. ICIP differs from the original program in two important respects: 1) benefits are granted on an “as-of-right” basis rather than at the discretion of a board, and are structured to encourage development outside Manhattan’s business districts; and 2) the new program includes clear guidelines regarding the qualifying conditions that determine eligibility for tax exemptions.

Industrial Projects

ICIP provides tax exemptions and, in some cases, abatements of pre-existing tax liability for industrial construction work. An industrial property is any building or structure in which, after completion of industrial construction work, at least 75 percent of the total net square footage is used or immediately available and held out for manufacturing activities. Unlike commercial projects, the eligibility requirements and benefits for industrial projects are uniform across the City.

The exemption period consists of 16 years in which the increase in assessed value due to the industrial construction work is fully exempt, followed by a nine-year phase-out period in which the exemption percentage is reduced by 10 percentage points each year. To qualify for the exemption, the minimum required expenditure (MRE) is equal to 10 percent of the initial assessed value.

Industrial projects can also qualify for a tax abatement if their MRE is equal to 25 percent of the initial assessed value. The abatement is equal to a percentage of the real property tax imposed on the property for the tax year immediately preceding the effective date of the project’s Certificate of Eligibility and commences in the first tax year immediately following completion of the industrial construction work. In tax years one through four, the abatement percentage is equal to 50 percent; in tax years five and six, 40 percent; in tax years seven and eight, 30 percent; in tax years nine and ten, 20 percent; and in tax years 11 and 12, 10 percent.

Commercial Projects

With a few exceptions, ICIP benefits are targeted to encourage commercial development in Manhattan above 96th Street, the Bronx, Brooklyn, Queens and Staten Island. Through a combination of legislation and designation by the ICIP Boundary Commission, the City has been divided into development areas for the purpose of determining the availability of ICIP incentives.

1. Excluded Area: With the exception of benefits for renovation projects and construction of “smart” office buildings, there are currently no ICIP benefits available for commercial construction work in Manhattan below 96th Street. Prior to January 1, 1993, a portion of the Excluded Area had been designated as a Deferral Area. As the name implies, the tax liability on the increase in assessed value resulting from commercial construction work for eligible projects in the Deferral Area was postponed, not forgiven. Projects that received deferral benefits are required to repay the obligation in 10 equal installments commencing in the eleventh year following the effective date of the certificate of eligibility.

2. Renovation Area: Since February 1, 1995, the eligibility for ICIP benefits has been limited to renovation projects south of 59th Street in Manhattan. Renovation construction work encompasses rehabilitation, renovation, expansion or modernization of an existing building or structure. Benefits are structured to provide an exemption equal to 100 percent of the increase in assessed value resulting from the renovation construction work for the first eight years, followed by a four-year phase-out in which the exemption percentage declines by 20 percentage points in each year.

3. New Construction of “Smart” Office Buildings: As of December 31, 1996, tax incentives for new construction of “smart” office buildings have been restricted to Lower Manhattan (roughly, the area south of Murray Street). To qualify as a “smart” building, the property must meet certain physical and technological requirements as set forth in the statute. Such projects receive an exemption equal to 100 percent of the increase in assessed value resulting from such construction work for four years followed by a four-year phase-out, declining by 20 percentage points in each year.

The following designations and benefits apply to areas in Manhattan north of 96th Street as well as the Bronx, Brooklyn, Queens and Staten Island.

1. Special Exemption Areas: These areas are designated by the Boundary Commission based on criteria that indicate such areas need deeper tax incentives to encourage commercial construction work. Special exemption areas also include areas designated as empire zones in accordance with Article 18-b of the General Municipal Law. Projects in special exemption areas receive the same tax exemption as industrial projects, i.e., 16 years of full exemption followed by a nine-year phase-out period.

2. Regular Exemption Areas: Areas not designated as Special Exemption Areas are considered Regular Exemption Areas. Commercial projects receive a tax exemption equal to 100 percent of the increase in assessed value for the first eight years following the effective date of the certificate of eligibility. This is followed by a four-year phase-

Real Property Tax

out period in which the exemption percentage declines by 20 percentage points each year. By year 13, the exemption is fully phased-out.

3. *Revitalization Areas:* The ICIP program was amended as part of the City's Commercial Expansion Program. Within Regular or Special Exemption areas, an area may be designated as a Revitalization Area, which may be any area of the City, except in Manhattan south of 96th Street, that is zoned C4, C5, C6, M1, M2 or M3. The importance of the Revitalization Area designation is that it eliminates the two- or four-year waiting period for eligibility where commercial projects had more than 15 percent of the total net square footage used for manufacturing; and it allows a pro rata tax abatement for the industrial portion of a mixed-use project (commercial and industrial) in which less than 75 percent but at least 25 percent of the total square footage of the building or structure is used for manufacturing or immediately available for manufacturing use. An abatement is available outside Revitalization Areas only if at least 75 percent of the structure is used for manufacturing or immediately available for manufacturing use.

In 2007, the State Legislature extended ICIP program sunset dates by one year, allowing applications for benefits to be filed until June 30, 2008 and building permits to be obtained by July 31, 2008.

Industrial and Commercial Abatement Program

In 2008, the ICIP program was replaced by a new Industrial and Commercial Abatement Program (ICAP). However, the ICIP program will generally continue to apply to construction work performed pursuant to a building permit issued before August 1, 2008 and to construction work performed pursuant to additional building permits issued on or after August 1, 2008 if at least one permit was issued before that date and the work was described in an application for a certificate of eligibility filed on or before June 30, 2008.

Under the new ICAP program, tax abatements are available for qualifying commercial or industrial construction work for varying periods ranging up to 25 years, depending on geographical area, type of construction and other factors. Property used by a utility (other than certain facilities known as "peaking units") is not eligible for any abatement, and property used partly for retail purposes is subject to certain limitations on benefits. In general, the ICAP benefit, called the "abatement base," takes into account the real estate tax on the property before and after construction, referred to as the "initial tax" and the "post-completion tax." No abatement is allowed unless the post-completion tax exceeds the initial tax by more than 15 percent, and the abatement is for only the amount by which the post-completion tax exceeds 115 percent of the initial tax. In specified circumstances, the abatement may be increased during the benefit period (referred to as "inflation protection").

A sunset provision in the ICAP legislation requires benefit applications to be filed not later than March 1, 2019 and building permits to be obtained not later than April 1, 2019.

In general, benefits are available if location and other requirements, described below, are met.

Location Requirements

1. *Industrial projects:* Industrial projects can be located anywhere in the City.
2. *New Commercial Construction:* New commercial construction can be located anywhere in the City, except in some parts of Manhattan. The area south of 96th Street (including the south side of 96th Street) and north of Murray, Frankfort, and Dover Streets does not qualify.
3. *Commercial Renovations:* Commercial renovations can be located anywhere in the City, except in some parts of Manhattan. The area between 59th Street and 96th Street (including the north side of 59th street and south side of 96th street) does not qualify. Below 59th Street, specific commercial renovation benefits are available and additional benefits are provided in the Garment Center District and in Lower Manhattan between Murray Street, Battery Place, South Street and West Street.
4. *Special Areas of the City:* Additional benefits may be granted for new commercial construction or renovations in special areas of the City. Special areas of the City can be viewed with the links below:

[City View](#)

[Brooklyn](#)

[Bronx](#)

[Manhattan](#)

[Queens](#)

[Staten Island](#)

[List of Borough, Block and Lots \(BBLs\) in special areas](#)

Other Requirements

Applicants must spend at least 30 percent of the property's taxable assessed value no later than four years from the date the building permit was first issued, or from the start of construction, if no permit is required. (Industrial construction projects that spend at least 40 percent of the property's taxable assessed value receive additional benefits.) Construction must be completed no later than five years from the date of issuance of the first building permit, or if no permit is required, from the start of construction.

ICAP benefit schedules vary according to the type of project. A summary of these schedules appears below; further details are available at

http://www1.nyc.gov/assets/finance/downloads/pdf/icap/icap_benefit_schedule.pdf.

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SUMMARY OF ICAP BENEFIT SCHEDULES			
Work Project	Retail Use	Length of Abatement	Benefit Schedule
Commercial construction outside a special commercial area	No restriction	15 years	100% of abatement base in the first 11 years, phasing out over 4 years
Commercial construction in special commercial area	10% or less	25 years	100% of abatement base in the first 16 years, phasing out over 9 years
Commercial construction in special commercial area - schedule for retail portion over 10%	Over 10%	15 years	100% of abatement base in the first 11 years, phasing out over 4 years
Commercial construction work on new construction in certain areas of Manhattan	No restriction	8 years	100% of abatement base in the first 4 years, phasing out over 4 years
Industrial construction	10% or less	25 years	100% of abatement base in the first 16 years, phasing out over 9 years
Industrial construction - schedule for retail portion over 10%	Over 10%	15 years	100% of abatement base in the first 11 years, phasing out over 4 years
Renovation in Renovation Areas (Lower Manhattan and Garment District)	5% or less ¹	12 years	100% of abatement base in the first 8 years, phasing out over 4 years
Renovation in Renovation Areas (south of 59th Street, except Lower Manhattan and Garment District)	5% or less ¹	10 years	100% of abatement base in the first 5 years, phasing out over 5 years
Additional industrial abatement on the initial tax amount	No restriction	12 years	Reduces the initial tax on the building by 50% in the first 4 years, phasing out over 8 years

1. Retail space in excess of 5% receives no abatement.

Tax Expenditure

ICIP exemptions: \$652.9 million

ICAP: \$81.4 million

Major League Sports Facilities, Madison Square Garden

Citation

NYS Real Property Tax Law, Section 429

Policy Objective

Ensure the viability of a major league sports facility in New York City.

Description

The City has provided a full real property tax exemption for Madison Square Garden. The exemption is contingent upon the continued use of the Garden by professional major league hockey and basketball teams for their home games.

Tax Expenditure

\$42.0 million

Real Property Tax

The Cooper Union/Chrysler Building

Citation

Chapter 279, §11, NY Laws of 1859, as amended

Policy Objective

Provide revenue to support the educational mission of The Cooper Union for the Advancement of Science and Art.

Description

The Chrysler Building, a landmarked commercial office building on East 42nd Street in Manhattan, is situated on land owned by The Cooper Union for the Advancement of Science and Art, an educational institution in Manhattan's East Village. Under the terms of the exemption provision contained in Cooper Union's statutory charter (Chapter 279, §11, NY Laws of 1859), as interpreted by the New York courts (*Cooper Union v. Sexton*, 247 A.D. 371 (1936) and *Cooper Union v. Wells*, 180 N.Y. 537 (1905)), the Chrysler Building, although not itself used for educational purposes, is exempt from real property taxation. In accordance with the terms of the lease between Cooper Union and the operator of the building, amounts equivalent to the real estate taxes that would be due on the building but for the exemption are payable to Cooper Union to further its educational purposes.

In recent years, two Cooper Union-owned sites (three tax lots) on Astor Place in the East Village were leased to developers under arrangements similar to those in effect for the Chrysler Building. A luxury residential building was constructed on one site and an office building on the other. While the two properties are fully tax-exempt, certain payments in lieu of taxes are made to the City under the terms of a negotiated agreement.

Net Tax Expenditure (after PILOTs)

\$28.5 million

“Green Roof” Abatement

Citation

NYS Real Property Tax Law, Sections 499-aaa through 499-ggg

Policy Objective

Help control and capture stormwater in order to reduce the burden on the City’s sewer system.

Description

A one-year real estate tax abatement is provided for the construction of a “green roof” on a Class One, Two or Four building in the City. Generally, a “green roof” is an addition to a roof, covering at least 50 percent of the rooftop space, which includes, among other things, a growth medium and a vegetation layer. For City fiscal years beginning before 2014, the amount of the abatement is \$4.50 per square foot of green roof, limited to the lesser of \$100,000 or the building’s tax liability for the year in which the abatement is claimed. For City fiscal years beginning on and after July 1, 2014, the abatement amount is \$5.23 per square foot, limited to the lesser of \$200,000 or the building’s annual tax. However, for the fiscal year beginning July 1, 2014, the aggregate amount of all abatements allowed is limited to \$750,000; for the following four fiscal years, the total of all abatements is limited to \$1 million per year. If total annual abatements exceed these ceilings, approved applicants will receive pro rata abatements as determined by the Department of Finance. The abatement program is scheduled to sunset at the end of FY 2019.

Tax Expenditure

Less than \$50,000

Real Property Tax

Solar Electric Generating System Abatement

Citation

NYS Real Property Tax Law, Sections 499-aaaa through 499-gggg

Policy Objective

Help reduce greenhouse emissions and provide cleaner energy.

Description

A four-year tax abatement is provided for the construction of a solar electric generating system in a Class One, Two or Four building in the City. If the system is placed in service on or after August 5, 2008 and before January 1, 2011, the amount of the abatement is 8.75 percent of eligible solar electric generating system expenditures. For systems placed in service on or after January 1, 2011 and before January 1, 2013, the amount of the abatement is 5 percent of the eligible expenditures. For systems placed in service on or after January 1, 2013 and before January 1, 2014, the amount of the abatement is 2.5 percent of the eligible expenditures. For systems placed in service on or after January 1, 2014 and before January 1, 2019, the amount of the abatement is 5 percent of the eligible expenditures. The abatement is claimed in the City fiscal year following the approval of the abatement and in the following three fiscal years. The abatement in any year is, however, limited to the lesser of \$62,500 or the taxes payable on the building in that year. Eligible system expenditures include reasonable expenditures for materials, labor costs and certain other costs directly related to the construction or installation of the system. Abatement applications must be filed no later than March 15, 2019.

Tax Expenditure

\$7.0 million

Solar, Wind or Farm Waste Energy System Exemption

Citation

NYS Real Property Tax Law, Section 487

Policy Objective

Help reduce greenhouse emissions and provide cleaner energy.

Description

Real property that includes a solar or wind energy system or farm waste energy system can qualify for a 15-year exemption on the increase in the value of the property attributable to the installation of the system. In order to qualify for the exemption, the system must meet guidelines established by the New York State Energy Research and Development Authority. In addition, the exemption applies only to systems that (a) existed or were constructed prior to July 1, 1988, or (b) are constructed after January 1, 1991 but before January 1, 2025. Under the law, local jurisdictions granting the exemption can require property owners to enter into contracts for payments in lieu of taxes during the exemption period.

Tax Expenditure

Less than \$50,000

Real Property Tax

Table 3
STATE PROGRAMS
REAL PROPERTY TAX EXPENDITURES
Fiscal Year 2017

	Number of Exemptions	Exempt Assessed Value (\$ millions)	Gross Tax Expenditure (\$ millions)	PILOTS (\$ millions)	Net Tax Expenditure (\$ millions)
Limited Profit Housing Cos.	279	2,758.1	351.5	78.7	272.8
Residential	228	2,579.1	332.6	78.7	253.9
Commercial	51	178.9	18.9	0.0	18.9
Limited Dividend Cos.	19	81.0	10.4	3.0	7.4
Redevelopment Cos.	342	1,091.9	140.3	50.3	90.0
Residential	315	1,071.9	138.2	50.3	87.9
Commercial	27	20.0	2.1	0.0	2.1
Housing Development Fund Cos.	275	666.0	79.4	22.3	57.1
Residential	191	387.3	50.0	22.3	27.6
Commercial	84	278.8	29.5	0.0	29.5
Urban Development Action Area Projects	8,555	130.4	23.0	0.0	23.0
State Assisted Housing	54	204.2	23.9	1.7	22.2
Residential	27	97.8	12.6	1.7	10.9
Commercial	27	106.4	11.3	0.0	11.3
Housing Trust Fund Purchase of Damaged Sandy Parcels	221	2.1	0.4	0.0	0.4
TOTAL: STATE PROGRAMS	9,745	4,933.8	629.0	156.1	472.9
Total Residential	9,556	4,349.7	567.3	156.1	411.2
Total Commercial/Industrial	189	584.1	61.8	0.0	61.8

Totals may not add due to rounding.

Real Property Tax

**Table 4
STATE PROGRAMS
REAL PROPERTY TAX EXPENDITURES BY BOROUGH
Fiscal Year 2017**

Program	CITYWIDE		MANHATTAN		THE BRONX	
	Number of Exemptions	Net Tax Expenditure (\$ millions)	Number of Exemptions	Net Tax Expenditure (\$ millions)	Number of Exemptions	Net Tax Expenditure (\$ millions)
Limited Profit Housing Companies	279	272.8	60	108.9	84	67.3
Limited Dividend Companies	19	7.4	2	2.7	13	2.1
Redevelopment Companies	342	90.0	85	51.0	117	10.2
Housing Development Fund Companies	275	57.1	79	22.7	73	13.7
Urban Development Action Area Program	8,555	23.0	842	4.0	1,690	3.2
State Assisted Housing	54	22.2	20	10.7	15	4.8
Housing Trust Fund - Sandy Parcels	221	0.4	0	0.0	0	0.0
TOTAL: STATE PROGRAMS	9,745	472.9	1,088	200.0	1,992	101.3

Program	BROOKLYN		QUEENS		STATEN ISLAND	
	Number of Exemptions	Net Tax Expenditure (\$ millions)	Number of Exemptions	Net Tax Expenditure (\$ millions)	Number of Exemptions	Net Tax Expenditure (\$ millions)
Limited Profit Housing Companies	100	59.6	30	35.9	5	1.1
Limited Dividend Companies	4	2.6	0	0.0	0	0.0
Redevelopment Companies	124	16.1	15	12.7	1	0.1
Housing Development Fund Companies	96	14.0	18	4.6	9	2.2
Urban Development Action Area Program	4,299	10.6	1,693	5.2	31	0.0
State Assisted Housing	11	3.1	8	3.6	0	0.0
Housing Trust Fund - Sandy Parcels	0	0.0	0	0.0	221	0.4
TOTAL: STATE PROGRAMS	4,634	106.0	1,764	61.9	267	3.8

Totals may not add due to rounding.

Real Property Tax

Limited-Profit Housing Companies

Citation

NYS Private Housing Finance Law, Article 2
NYS Real Property Tax Law, Section 414

Policy Objective

Maintain and increase low- and middle-income housing stock in New York State.

Description

The Limited-Profit Housing Companies Law was originally adopted in 1955 to assist in the construction of low- and middle-income housing. These privately-managed rental and co-op projects, commonly known as Mitchell-Lama housing, were constructed with financing assistance from the City or the State. In return for 40- to 50-year mortgages at interest rates of four to eight percent, the respective government maintains supervisory rights to establish tenant-income restrictions, set rent levels, impose co-op resale restrictions, and establish waiting list procedures.

Real property taxes for Mitchell-Lama projects are based on the greater of 10 percent of shelter rent (gross rent less utilities) or a specified percentage of the assessed value of the property multiplied by the applicable tax rate. In addition, the City receives payments-in-lieu-of-taxes (PILOTs) from a small number of Mitchell-Lama projects.

The enabling legislation does not have a sunset provision.

Distributional Information

In FY 2017, there were 228 residential and 51 commercial exemptions under this program. The residential properties contained 96,159 units with a total exempt assessed value of \$2.6 billion. Sixty-two percent of units receiving benefits were co-ops. Twenty-four percent of units were Bronx co-ops (the location of Co-op City). Rental units receiving benefits were primarily located in the Bronx, Brooklyn, and Manhattan. Twenty-nine percent of the exempt assessed value was attributable to Manhattan co-ops. More distributional information is in Appendix III.

**Limited-Profit/Mitchell Lama (Residential Only)
Benefits by Property Type**

Property Type	Units	Exempt Assessed Value
Co-ops	62.4%	67.7%
Rentals	37.6%	32.3%
Total	100.0%	100.0%

Net Tax Expenditure (after PILOTs)

\$272.8 million

Real Property Tax

Limited-Dividend Housing Companies

Citation

NYS Private Housing Finance Law, Article 4
NYS Real Property Tax Law, Section 414

Policy Objective

Maintain and increase low- and middle-income housing stock in New York State.

Description

The Limited-Dividend Housing Companies (LDHC) program, dating from the 1920's, was one of the earliest attempts to channel private investment into affordable housing for low- and middle-income households. Private developers, who financed garden apartment cooperative developments for which they were receiving a limited return on investment, received a 50-year real property tax exemption. However, they were required to comply with State regulations on eligibility of purchasers, co-op sale prices, and operating surpluses. Although the original exemptions for all LDHC projects have expired, the then-existing Board of Estimate approved a 14-year phase-in of full taxation, recognizing the hardship an abrupt change in tax liability would have on co-op owners.

The enabling legislation does not have a sunset provision.

Distributional Information

Distributional information for this program is grouped with several other programs under the label "Other Residential" and can be found in Appendix III.

Net Tax Expenditure (after PILOTs)

\$7.4 million

Redevelopment Companies

Citation

NYS Private Housing Finance Law, Article 5
NYS Real Property Tax Law, Section 423

Policy Objective

Encourage low- to moderate-income housing through private financing.

Description

This program was a precursor to the Limited-Profit Housing Company Program (Mitchell-Lama). The participants are largely institutional investors, such as insurance companies and pension funds, which provide financing for the development of rental and co-op units. Participants are granted a 25-year tax exemption that may be extended through City Council action in exchange for accepting a limited rate of return on their investment and for complying with City regulations regarding tenant eligibility, rent levels and restrictions of co-op sales.

The enabling legislation does not have a sunset provision.

Distributional Information

Distributional information for this program is grouped with several other programs under the label “Other Residential,” and can be found in Appendix III.

Net Tax Expenditure (after PILOTs)

\$90.0 million

Real Property Tax

Housing Development Fund Companies (HDFC)

Citation

NYS Private Housing Finance Law, Article 11
NYS Real Property Tax Law, Section 414

Policy Objective

To provide low- and moderate-income housing, both publicly and privately financed, through a variety of programs.

Description

Housing Development Fund Companies (HDFC) is an umbrella term for a wide range of projects developed by non-profit organizations. Special exemptions are adopted by the City Council under the authority of Article 11, depending upon the nature of the program in which the project is involved.

Projects that are entitled to full exemptions include housing constructed in the 1960s and early 1970s under the federal Section 236 program, housing renovated through the Capital Budget Homeless Housing Program, and some properties participating in the SRO Loan Program. In addition, new housing for the elderly and handicapped developed under Federal Section 202 also receives this tax benefit.

In 1995, this legislation was amended by adding a provision granting local legislative bodies the authority to exempt from real property taxes projects to which the municipality has made loans under Section 576 of the Private Housing Finance Law (for acquisition, rehabilitation or construction) for housing for low-income households. Thirty percent of a project's residents must be households previously residing in emergency shelter facilities.

This enabling legislation does not have a sunset provision.

Distributional Information

In FY 2017, there were 191 residential and 84 commercial exemptions under this program, with a total of 16,244 units and an exempt assessed value of \$666.0 million. Units in rental properties made up 84 percent of the program. These benefits were distributed by property type as shown below. Additional distributional information appears in Appendix III.

**Housing Development Fund Company
Benefits by Property Type**

Property Type	Units	Exempt Assessed Value
1 - 3 Family	0.1%	0.0%
Condos	0.0%	0.0%
Co-ops	0.0%	0.0%
Rentals	84.5%	58.1%
Mixed Use	15.4%	41.9%
Total	100.0%	100.0%

Net Tax Expenditure (after PILOTs)

\$57.1 million

Real Property Tax

Urban Development Action Area Projects (UDAAP)

Citation

NYS General Municipal Law, Section 696

Policy Objective

To encourage the construction of residential housing in designated areas.

Description

This exemption is granted to property developed on formerly City-owned land in designated Urban Development Action Area Projects (UDAAP). While UDAAP encompasses a wide range of housing development programs, the most notable examples are the Nehemiah and the Mutual Housing Association of New York (MHANY) Programs, which provide housing in the Brownsville and East New York sections of Brooklyn.

UDAAP sites receive real property tax exemptions only on the assessed value of improvements: 10 years at 100 percent of assessed value, followed by a 10-year declining exemption. In 1999, the State Legislature amended the statute to provide that for projects consisting of new construction the land value shall be the lesser of: (a) the assessed value immediately prior to commencement of construction; or (b) the assessed value of the land appearing on the assessment roll in the first year after completion of construction.

The enabling legislation does not have a sunset provision.

Distributional Information

In FY 2017, there were 8,555 exemptions under this program representing 9,573 units with an exempt assessed value of \$130.4 million. One-, two- and three-family houses in Brooklyn, the Bronx and Queens received the largest proportion of UDAAP benefits. Additional distributional information appears in Appendix III.

**Urban Development Action Area Project
Benefits by Property Type**

<u>Property Type</u>	<u>Units</u>	<u>Exempt Assessed Value</u>
1 - 3 Family	78.4%	66.6%
Condos	6.6%	18.5%
Co-ops	0.2%	0.4%
Rentals	10.4%	10.7%
Mixed Use	4.4%	3.8%
<u>Total</u>	<u>100.0%</u>	<u>100.0%</u>

Tax Expenditure

\$23.0 million

Real Property Tax

Miscellaneous State-Assisted Housing

Citation

NYS Real Property Tax Law, Section 422

Policy Objective

Encourage the creation of housing for a target population.

Description

Section 422 provides tax exemptions for real property owned by not-for-profit corporations and used exclusively to provide housing and auxiliary facilities for a target population. This population includes, but is not exclusive to, faculty members, students, and employees (and their immediate families) attending or employed by a college or university; nurses, interns, resident physicians and other related personnel at hospitals and medical research institutions; and handicapped or elderly persons with low incomes. For Section 8 projects providing housing for the elderly, the City Council is authorized to grant a full exemption during construction, followed by a partial exemption.

The laws relating to these programs do not have sunset provisions.

Distributional Information

Distributional information for this program is grouped with several other programs under the label “Other Residential” and can be found in Appendix III.

Net Tax Expenditure (after PILOTs)

\$22.2 million

Housing Trust Fund Purchase of Damaged Sandy Parcels

Citation

NYS Private Housing Finance Law, Section 45-a

Policy Objective

Assist property owners whose properties were damaged or destroyed by Superstorm Sandy.

Description

Section 45-a of the NYS Private Housing Finance Law established the Housing Trust Fund Corporation as a subsidiary of the NYS Housing Finance Agency. In the aftermath of Superstorm Sandy, which occurred on October 29 and 30, 2012, the Housing Trust Fund Corporation purchased from private property owners a number of properties in the City that had been damaged or destroyed by the storm. While those properties are owned by the HTFC, they are exempt from local real estate taxes.

Tax Expenditure

\$0.4 million

Real Property Tax

Table 5
PUBLIC AGENCIES
REAL PROPERTY TAX EXPENDITURES
Fiscal Year 2017

	Number of Exemptions	Exempt Assessed Value (\$ millions)	Gross Tax Expenditure (\$ millions)	PILOTs (\$ millions)	Net Tax Expenditure (\$ millions)
Industrial Development Agency	421	2,884.1	305.0	43.0	262.0
Economic Development Corp.	276	3,527.5	373.9	96.0	277.9
NYC Housing Authority	1,266	5,045.6	648.7	0.0	648.7
Residential	1,115	4,945.0	638.0	0.0	638.0
Commercial	151	100.7	10.7	0.0	10.7
Urban Development Corporation	865	2,744.6	317.7	0.0	317.7
Residential	807	1,184.0	152.6	0.0	152.6
Commercial	58	1,560.6	165.0	0.0	165.0
NYS Power Authority	22	988.5	107.1	0.0	107.1
Battery Park City Authority	3,829	2,579.5	299.5	101.0	198.5
Residential	3,762	1,154.8	148.9	50.2	98.7
Commercial	67	1,424.7	150.7	50.8	99.9
World Trade Center, Port Authority	17	1,599.5	169.1	53.5	115.6
Teleport, Port Authority	21	101.3	10.7	0.0	10.7
Trust for Cultural Resources	251	150.4	17.6	0.0	17.6
TOTAL: PUBLIC AGENCIES	6,968	19,621.0	2,249.3	293.5	1,955.8
Total Residential	5,684	7,283.8	939.5	50.2	889.3
Total Commercial/Industrial	1,284	12,337.3	1,309.8	243.3	1,066.5

Totals may not add due to rounding.

Real Property Tax

**Table 6
PUBLIC AGENCIES
REAL PROPERTY TAX EXPENDITURES BY BOROUGH
Fiscal Year 2017**

	CITYWIDE		MANHATTAN		THE BRONX	
	Number of Exemptions	Gross Tax Expenditure (\$ millions)	Number of Exemptions	Gross Tax Expenditure (\$ millions)	Number of Exemptions	Gross Tax Expenditure (\$ millions)
Industrial Development Agency	421	305.0	116	75.3	61	116.5
Economic Development Corp.	276	373.9	85	292.0	10	14.1
NYC Housing Authority	1,266	648.7	254	309.0	259	108.2
Urban Development Corporation	865	317.7	626	191.1	4	1.3
NYS Power Authority	22	107.1	3	3.0	4	10.4
Battery Park City Authority	3,829	299.5	3,829	299.5	0	0.0
World Trade Center, Port Authority	17	169.1	17	169.1	0	0.0
Teleport, Port Authority	21	10.7	0	0.0	0	0.0
Trust for Cultural Resources	251	17.6	251	17.6	0	0.0
TOTAL: PUBLIC AGENCIES	6,968	2,249.3	5,181	1,356.5	338	250.4

	BROOKLYN		QUEENS		STATEN ISLAND	
	Number of Exemptions	Gross Tax Expenditure (\$ millions)	Number of Exemptions	Gross Tax Expenditure (\$ millions)	Number of Exemptions	Gross Tax Expenditure (\$ millions)
Industrial Development Agency	121	23.2	112	89.3	11	0.7
Economic Development Corp.	33	58.6	7	7.7	141	1.6
NYC Housing Authority	478	164.4	260	57.5	15	9.7
Urban Development Corporation	34	63.9	200	60.4	1	1.0
NYS Power Authority	3	7.8	8	83.4	4	2.6
Battery Park City Authority	0	0.0	0	0.0	0	0.0
World Trade Center, Port Authority	0	0.0	0	0.0	0	0.0
Teleport, Port Authority	0	0.0	0	0.0	21	10.7
Trust for Cultural Resources	0	0.0	0	0.0	0	0.0
TOTAL: PUBLIC AGENCIES	669	317.8	587	298.2	193	26.2

Totals may not add due to rounding.

Real Property Tax

Industrial Development Agency (IDA)

Citation

NYS General Municipal Law, Section 917
NYS Real Property Tax Law, Section 412-a

Policy Objective

Encourage business expansion and increase employment in New York City.

Description

The City's Industrial Development Agency (IDA) assists eligible manufacturing, industrial and commercial businesses interested in large-scale expansion or modernization through the purchase of land, buildings, machinery and equipment. The IDA helps businesses gain access to the capital markets through the sale of industrial revenue bonds, the interest from which is exempt from some or all taxes. The result is lower-cost project financing.

All real property acquired or constructed with the use of IDA financing is exempt from real property taxation. The exemption benefits are passed on to the project owners through leaseback arrangements. Lease payments are equivalent to debt service on bonds plus payments-in-lieu-of-taxes (PILOTs) on land and buildings.

The enabling legislation does not have a sunset provision.

Net Tax Expenditure (after PILOTs)

\$262.0 million

Economic Development Corporation (EDC)

Citation

NYS Real Property Tax Law, Section 412

Policy Objective

To encourage real estate development that protects and enhances the City’s job and income base.

Description

The Economic Development Corporation (EDC) is a non-profit local development corporation, acting as an independent entity under contract to the City to assist and promote real estate development. EDC assists developers in all the stages of a project, from planning and design to negotiations, financing, and construction. A major focus of EDC efforts is development outside Manhattan. EDC also leases City-owned property and then subleases it to private developers for construction of commercial and industrial projects. Ground lease agreements include a rental formula for payments-in-lieu-of-taxes (PILOTs) on both the land and project buildings.

The enabling legislation for EDC does not have a sunset provision.

Net Tax Expenditure (after PILOTs)

\$277.9 million

Real Property Tax

New York City Housing Authority (NYCHA)

Citation

NYS Public Housing Law, Section 52
NYS Real Property Tax Law, Section 414

Policy Objective

Provide housing for low-income residents of New York City.

Description

Except for New York State-assisted projects, NYCHA property is exempt from direct taxation. City-aided projects are exempt for a period of 50 years and Federally-aided projects may be exempt for up to 60 years. (Upon the expiration of the initial 50- or 60-year exemption period, an additional 50- or 60-year exemption period may be granted.) However, by law, the City may require payments-in-lieu-of-taxes (PILOTs) from NYCHA projects and collected these payments through FY 2014. The city waived payments for FY 2015 and subsequent years to help stabilize NYCHA's financial crisis.

Until FY 2014, the fixed annual PILOT for NYCHA's City-funded projects was \$109,000. For the Federally aided projects, NYCHA paid a PILOT based on net routine operating expenses, which may vary annually. As assessed value for the State projects has been held constant for many years, there was a substantial implicit tax expenditure.

As of June 30, 2016, NYCHA operated 328 developments with 177,638 apartments with approximately 404,000 residents. NYCHA also administers a citywide Section 8 Leased Housing Program in private rental apartments for 85,224 households.

Distributional Information

In FY 2017, there were 1,115 residential exemptions representing 230,620 housing units with an exempt assessed value of \$4.9 billion. There were 151 commercial exemptions with an exempt assessed value of \$100.7 million. NYCHA benefits were distributed throughout all boroughs. Manhattan, Brooklyn, and the Bronx had the greatest proportion of NYCHA exempt value. Rental properties comprised 99 percent of NYCHA residential exemptions. Additional distributional information appears in Appendix III.

NYCHA provided data for 174,782 households living in public housing as of June 30, 2016. Based on these data, the distribution of households is as follows:

Real Property Tax

Household Income Range	Number of Households	Percent of Total Households
Annual Income Under Review	1,463	0.8%
\$0 - 9,999	45,307	25.9%
\$10,000 - 12,499	18,375	10.5%
\$12,500 - 14,999	14,173	8.1%
\$15,000 - 19,999	22,394	12.8%
\$20,000 - 24,999	15,326	8.8%
\$25,000 - 29,999	11,650	6.7%
\$30,000 - 34,999	9,069	5.2%
\$35,000 - 39,999	7,842	4.5%
\$40,000 - 44,999	6,260	3.6%
\$45,000 - 49,999	4,915	2.8%
\$50,000 and over	<u>18,008</u>	<u>10.3%</u>
Total	174,782	100.00%

Source: New York City Housing Authority, Department of Research and Management Analysis.

Tax Expenditure

\$648.7 million.

Real Property Tax

Urban Development Corporation (UDC)

Citation

NYS Unconsolidated Laws, Title 16, Chapter 24
NYS Real Property Tax Law, Section 412

Policy Objective

To create and retain jobs in New York State, with particular emphasis on targeting economically distressed areas.

Description

Created in 1968, the Urban Development Corporation (UDC) is a New York State agency that finances, constructs and operates residential, commercial, industrial and civic facilities. An important tool in the State's economic development program, the UDC provides financing and technical assistance to businesses and local governments. Examples of UDC-assisted projects include the Columbia University Telecommunications Center, the Jacob K. Javits Convention Center, and the Roosevelt Island housing development.

The UDC exemption does not have a sunset provision.

Distributional Information

In FY 2017, there were 807 residential and 58 commercial exemptions under this program. The properties contained 17,771 units with an exempt assessed value of \$2.7 billion. The exempt assessed value of the commercial properties was \$1.6 billion. More distributional information is in Appendix III.

UDC Benefits by Property Type		
Property Type	Units	Exempt Assessed Value
1 - 3 Family	0.0%	0.0%
Condos	4.2%	2.5%
Coops	52.4%	17.9%
Mixed Use	0.3%	56.9%
Rentals	43.1%	22.7%
Total	100.0%	100.0%

Tax Expenditure

\$317.7 million

New York Power Authority

Citation

NYS Public Authorities Law, Article 5, Title 1
NYS Real Property Tax Law, Section 412

Policy Objective

Provide low-cost electric energy through seven investor-owned utilities and 51 municipal and cooperative systems.

Description

The New York Power Authority finances, constructs, and operates electric generating and transmission facilities. Construction is financed through the sale of tax exempt bonds. Revenues from the sale of power to public agencies, industries, investor-owned utilities and municipalities throughout the State cover the costs of debt service and project operations. In the New York metropolitan area, the Authority directly provides low cost power to government agencies promoting economic development.

The Power Authority's enabling legislation does not have a sunset provision.

Tax Expenditure

\$107.1 million

Real Property Tax

Battery Park City Authority (BPCA)

Citation

NYS Public Authorities Law, Section 1981 and NYS Real Property Tax Law, Section 412

Policy Objective

Manage the development of a mixed commercial/residential community whose amenities serve the larger New York community.

Description

The Battery Park City Authority (BPCA) was created in 1968 by the Battery Park City Act. In cooperation with the City and the private sector, the Authority has developed a mixed-use community, combining residential and commercial properties with public facilities (schools, parks, etc.) and utilities. Under a 1981 agreement with a developer, four office towers containing six million square feet of space were completed in 1987.

PILOT payments remitted annually by the Authority, as stipulated in the 1986 Amendment to the Settlement Agreement between BPCA and the City of New York, are currently used as additional support for City housing programs. The Housing New York Agreement provides for BPCA revenues to back bond issues as well; in this regard, \$400 million in net proceeds from bonds issued by the Housing New York Corporation will allow for the increase of low- and moderate-income housing production throughout the City. The enabling legislation does not have a sunset provision.

Distributional Information

In FY 2017, there were 3,762 residential exemptions with an exempt value of \$1.2 billion, providing tax relief for 3,750 condominiums and 4,525 rental apartments. There were 67 commercial exemptions with an exempt value of \$1.4 billion. Additional distributional information appears in Appendix III.

BPCA Benefits by Property Type		
Property Type	Units	Exempt Assessed Value
Condos	45.0%	22.8%
Mixed Use	0.8%	55.2%
Rentals	54.2%	22.0%
Total	100.0%	100.0%

Net Tax Expenditure (after PILOTs)

\$198.5 million

Teleport Center, Port Authority of NY and NJ

Citation

NYS Unconsolidated Laws, Title 17, Chapter 26
NYS Real Property Tax Law, Section 412

Policy Objective

Provide state-of-the-art communications technology with the goal of encouraging the economic development of the New York-New Jersey region.

Description

The Teleport Center, located on land owned by the Port Authority of New York and New Jersey, is a joint venture among the Authority, Merrill Lynch and Western Union, developing and utilizing the latest technology in worldwide telecommunications. The Center provides fiber-optic links with the participating companies' Manhattan offices.

The Port Authority's enabling legislation does not contain any sunset provisions.

Tax Expenditure

\$10.7 million

Real Property Tax

World Trade Center, Port Authority of NY and NJ

Citation

NYS Unconsolidated Laws, Title 17, Chapter 5, §6611

Policy Objective

To encourage economic development in the New York-New Jersey region, and, specifically, in the Lower Manhattan area.

Description

The World Trade Center (WTC), owned and operated by the Port Authority of New York and New Jersey, is in the process of being redeveloped in the aftermath of the events of September 11, 2001.

Although exempt from taxation, the WTC makes payments-in-lieu-of-taxes (PILOTs) to the City. The PILOTs are based on the rental of private space in the WTC multiplied by a fixed amount per square foot. The PILOTs are adjusted to reflect increases in assessments of comparable office buildings in the financial district and tax rate changes.

The enabling legislation that exempts World Trade Center property from taxation contains no sunset provision.

Net Tax Expenditure (after PILOTs)

\$115.6 million

Trust for Cultural Resources of the City of New York, Museum of Modern Art

Citation

NYS Arts and Cultural Affairs Law, Sections 20.33 and 21.11

Policy Objective

To support the expansion and operating costs of cultural institutions deemed to be essential for the general and economic welfare of the State and City.

Description

In 1976, the legislature enacted legislation that provides for the creation of cultural trusts (public benefit corporations). The legislation further provides that: (1) the trust shall submit annual financial reports to the governor and mayor; and (2) the State comptroller and the City's chief fiscal officer are authorized to examine the books and records of the trust at least once every three years or, in lieu thereof, accept from the trust an external examination made by a certified public accountant acceptable to such officer.

The only trust that has been created to date is for the Museum of Modern Art in New York City. As a result, a 52-story tower was developed adjacent to the museum, containing six floors dedicated to the Museum and 260 residential condominiums.

The residential portion of the building is exempt from City real property taxes. However, the condominiums make payments to the trust, equivalent to real property taxes. These payments are used primarily to defray administrative costs of the trust, fund the debt service on the mixed-use facility and provide the cultural institution with funds for operating expenses.

Tax Expenditure

\$17.6 million

Real Property Tax

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PART III

BUSINESS INCOME AND EXCISE TAX EXPENDITURES

Overview

The tax expenditures in this section derive from provisions of New York City tax law concerning the following business income and excise taxes: General Corporation Tax; Unincorporated Business Tax; Banking Corporation Tax; Utility Tax; Mortgage Recording Tax; Real Property Transfer Tax; and Commercial Rent Tax. Appendix II has descriptions of each tax, including the tax rate and base.

Certain tax benefits are explicitly designed to foster economic development. Other tax expenditures, while created for economic development purposes, are also intended to reflect the unique economic activity in which certain industries are engaged. For example, there are special rules for allocating net income for the broadcasting, publishing and mutual fund industries. Still other tax expenditures are created for social objectives, such as to assist the dramatic arts or to promote certain types of scientific research.

Table 7 summarizes business income and excise tax expenditures for TY 2013. Estimates are based on Department of Finance data, unless otherwise noted. The estimates are stated on a tax year rather than New York City fiscal year basis. Tax expenditures are not quantifiable for some programs.

Following the summary table is a description of each program. Descriptions include legal citations and, where applicable, information regarding the years to which tax benefits can be carried forward. The number of businesses that benefit from particular tax expenditure programs is provided where available.

The Corporate Tax of 2015

In 2015, the city adopted comprehensive corporate tax reform legislation that substantially conforms to the New York State corporate tax reform changes enacted in 2014 and 2015. The new city provisions, referred to as the Corporate Tax of 2015, are codified in a new Subchapter 3-A of Chapter 6 of Title II of the NYC Administrative Code, which is effective for tax years beginning on or after January 1, 2015. The Corporate Tax of 2015 merges the taxation of C corporations that were formerly taxable under the General Corporation Tax or the Banking Corporation Tax. The Corporate Tax of 2015 does not, however, apply to S corporations (including qualified subchapter S subsidiaries), as defined in the U.S. Internal Revenue Code. S corporations continue to be subject to the General Corporation Tax or the Banking Corporation Tax.

As noted above, the tax expenditure estimates in this part are for TY 2013, and are thus unaffected by the enactment of the Corporate Tax of 2015. However, the descriptions in this part relating to the General Corporation Tax and Banking Corporation Tax are annotated to indicate how they are affected by the 2015 law. In addition, descriptions of several tax expenditures under the new law are included. Please refer to Appendix II for a short summary of the law or, for greater detail, go to <http://www1.nyc.gov/assets/finance/downloads/pdf/15pdf/corporate-tax-reform.pdf>.

Business Income and Excise Taxes

Table 7

BUSINESS INCOME AND EXCISE TAX EXPENDITURES Tax Year 2013

PROGRAM **AMOUNT (\$ millions)**

Quantifiable

Insurance Corporation Non-Taxation	460
Business and Investment Capital Tax Limitation	325
Single Sales Factor	227
Cooperative Housing Corporation Four-Tenths Mill Tax Rate on Capital	40
Special Allocation Rule: Regulated Investment Company Management Fees	35
Relocation and Employment Assistance Program	28
Commercial Revitalization Program: Lower Manhattan/Garment Center District	25
Energy Cost Savings Program Credit	25
International Banking Facility Deduction	21
Biotechnology Credit	2
School Bus Operation Deduction	1
Real Estate Investment Trusts	*
Dramatic or Musical Arts Performance Exemption	*
Employment Opportunity Relocation Costs Credit and Industrial Business Zone Credit	0
Real Property Tax Escalation Credit	0
TOTAL QUANTIFIABLE TAX EXPENDITURES	1,189

Not Quantifiable

Air Pollution Control Facilities Deduction
Credit Line Mortgages
Owner, Lessee or Fiduciary that Holds, Leases or Manages Real Property
Purchase and Sale of Property or Financial Instruments for Taxpayer's Own Account
Small Corporation Exemption From Alternative Taxes
Special Allocation Rules:
 Credit Card Interest
 Newspaper and Periodical Publishers' Advertising Sales Receipts
 Radio/TV Commercial Receipts
 Certain Service Receipts of Registered Securities or Commodities Brokers or Dealers

Not Available or Not Applicable in TY 2013

Housing Development Fund Company Transfers
Reduced Corporate Tax Rates for Qualified Manufacturers and Small Businesses
Special Deduction in Determining Entire Net Income of Certain Banking Institutions
Beer Production Credit for Beer Produced in NYC

* indicates less than \$1 million.

Insurance Corporation Non-Taxation

Citation

Chapter 649, Section 11, NYS Laws of 1974

Policy Objective

Promote the New York City insurance industry.

Description

Corporations with income allocable to New York City are normally subject to City taxation. Except for out-of-state insurance companies insuring City property against fire loss or damage, insurance companies operating in the City are not subject to taxation on income from their insurance services, or on income from their non-insurance activities, such as real estate or financial services activities.

Prior to 1974, New York City taxed all insurance companies on premiums received on risks located or resident in the City. This tax was discontinued in 1974.

Tax Affected

General Corporation Tax¹

Tax Expenditure

\$460 million

¹ The non-taxation of insurance corporations, as described above, is continued under the Corporate Tax of 2015.

Business Income and Excise Taxes

Business and Investment Capital Tax Limitation

Citation

NYC Administrative Code, Section 11-604(1)(F)

Policy Objective

Limit the City tax liability of corporations that have low taxable income but large net worth.

Description

A corporation subject to taxation in New York City determines its tax liability by making three alternative calculations (net income, net income plus compensation paid to certain shareholders and business and investment capital), comparing the results to a sliding scale fixed minimum amount and paying the largest of the four amounts. Beginning in TY 2009, a corporation's tax on New York City allocated business and investment capital is limited to a maximum of \$1 million.

Tax Affected

General Corporation Tax¹

Tax Expenditure

\$325 million

Number of Beneficiaries

21 corporations

¹ Under the Corporate Tax of 2015, the alternative tax based on income plus compensation paid to certain shareholders is eliminated, the tax on capital is based only on business capital, and the maximum tax on business capital is limited to \$10 million. In addition, a \$10,000 reduction applies to all capital tax calculations.

Single Sales Factor

Citation

NYC Administrative Code, Sections 11-508(i), 11-604.3(a)(10) and 11-642(b)(1-a).

Policy Objective

To encourage firms to locate their business operations in New York City.

Description

Before 2009, the general corporation tax and unincorporated business tax utilized a three-factor business allocation formula, the factors being property, payroll and receipts. Under legislation adopted in 2009, a transition from the three-factor formula to a single-factor formula utilizing only receipts is being phased in over a 10-year period beginning in tax year 2009. The 10-year phase-in to a single receipts factor formula also applies, beginning in 2009, to a corporation subject to the banking corporation tax that is substantially engaged in providing management, administrative or distribution services to a regulated investment company (a mutual fund).

Taxes Affected

Unincorporated Business Tax
General Corporation Tax¹

Tax Expenditure

\$227 million. Estimate is for City FY 2014.

Number of Beneficiaries

Approximately 30,000 firms

¹ The 10-year phase-in is continued under the Corporate Tax of 2015 and will be fully effective for tax years beginning on or after January 1, 2018. However, taxpayers with less than \$50 million of receipts allocated to the city will have a one-time election to use the 2017 allocation percentage weights in tax years beginning after 2017.

Business Income and Excise Taxes

Cooperative Housing Corporation Four-Tenths Mill Tax Rate on Capital

Citation

NYC Administrative Code, Section 11-604.1.E

Policy Objective

Promote cooperative housing corporations in New York City.

Description

Capital allocated to New York City is normally taxed at the rate of 0.15 percent. However, cooperative housing corporations are taxed at a rate of 0.04 percent on capital allocated to the City.

Tax Affected

General Corporation Tax¹

Tax Expenditure

\$40 million

Number of Beneficiaries

3,851 corporations

¹ The 0.04 percent rate is continued under the Corporate Tax of 2015.

Special Allocation Rule: Regulated Investment Company (RIC) Management Fees

Citation

NYC Administrative Code, Sections 11-508(e-2), 11-604.3(a)(5) and 11-642(a)(G)(2)

Policy Objective

Promote the activities of managers of RICs (commonly known as mutual funds) in New York City.

Description

In determining their business allocation percentage, taxpayers normally determine the source of receipts from services based upon where the services were performed. However, a mutual fund management company's receipts from management, administration or distribution services rendered to the mutual fund are allocated based on the percentage of the RIC's shareholders domiciled in New York City.

The allocation of receipts is based upon the RIC's average "monthly percentage," which is calculated by dividing:

- (a) the number of shares in the RIC that are owned on the last day of the month by shareholders domiciled in the City by;
- (b) the total number of shares in the RIC outstanding on that date.

Once calculated, the RIC's average monthly percentage for the taxable year is multiplied by the management company's receipts from management, administration or distribution services.

Taxes Affected

Banking Corporation Tax¹
General Corporation Tax¹
Unincorporated Business Tax

Tax Expenditure

\$35 million. Estimate includes GCT and UBT only.

¹ The Corporate Tax of 2015 continues the pre-existing rules for allocating RIC management fees, and, in general, allocates receipts from services based on the location of the customer.

Business Income and Excise Taxes

Relocation and Employment Assistance Program (REAP)

Citation

NYC Administrative Code, Sections 11-503(i), 11-604.17, 11-643.7, 11-1105.2 and Chapters 6-b and 6-c of Title 22

Policy Objective

Promote business development in Manhattan north of 96th Street, in Lower Manhattan and in the other boroughs of New York City.

Description

A credit is available for certain taxpayers that relocate all or part of their business operations to eligible premises located in Upper Manhattan (the area above 96th Street), Lower Manhattan (approximately the area below Houston Street), or the other boroughs, from outside New York City. Under the original program, a business income tax credit of \$500 per eligible employment share, generally the equivalent of one full-time employee, was available for the year of relocation and for a maximum of eleven succeeding tax years. Legislation enacted in 1995 increased the business income tax credit to \$1,000 per eligible employment share for recipients that received their certificate of eligibility on or after July 1, 1995. Under legislation enacted in 2000, firms that relocate to “revitalization areas” in Upper Manhattan or the other boroughs may qualify for a credit of \$3,000 per eligible employment share; starting in 2004, a \$3,000 credit is also available to eligible firms that relocate to Lower Manhattan.

Taxpayers must be certified annually by the City in order to participate in this program. A firm must receive its certificate of eligibility or file a preliminary application and fulfill certain requirements before July 1, 2017 to be eligible to receive REAP benefits.

Taxes Affected

Banking Corporation Tax¹
General Corporation Tax¹
Unincorporated Business Tax
Utility Tax

Tax Expenditure

\$28 million

Number of Beneficiaries

209 firms

¹ The REAP credit is continued under the Corporate Tax of 2015.

Commercial Revitalization Program: Lower Manhattan/Garment Center District

Citation

Commercial Rent Tax:
NYC Administrative Code, Section 11-704(i)

Energy Cost Savings:
NYS General City Law, Section 25-aa to 25-cc
NYS Tax Law, Section 1201-c
NYC Administrative Code, Section 11-1105.1

Policy Objective

Stimulate economic activity in Lower Manhattan and the midtown Garment Center District and promote the more productive use of City real estate.

Description

The Commercial Revitalization Program was established in 1995 to increase tenant occupancy in office and retail space in certain areas of the City and to reduce building obsolescence by encouraging investment in older commercial space or conversion to residential use. In addition to real property tax benefits, the program provides Commercial Rent Tax (CRT) relief and energy subsidies through the Energy Cost Savings Program.

Commercial Rent Tax Abatement

Tenants eligible for the real property tax abatement program described on page 23 are also eligible to receive a special reduction in calculating their liability for the CRT. A tenant leasing space in a pre-1975 building owned by a government entity may also qualify for the CRT benefit if it meets certain eligibility requirements.

The benefit is a reduction in the amount of rent otherwise subject to the CRT and can be claimed starting on the rent commencement date of the lease. The reduction is available for a period of up to 60 months.

In general, in order to determine the reduction, the 60-month period is divided into five 12-month periods. For the first 12-month period (the “base year” period) the reduction is equal to the actual rent paid. For the second and third 12-month periods, the reduction is equal to the lesser of the rent paid during each period or the base-year rent paid. For the fourth and fifth 12-month periods, the reduction is equal to two-thirds and one-third, respectively, of the lesser of the rent paid during each period or the base-year rent paid.

A modified CRT benefit is available to eligible tenants who enter into minimum three-year leases, rather than five-year terms.

The following enhancements, enacted in 2005, supplement the original program:

Business Income and Excise Taxes

- An enhanced special reduction benefit is available for leases in Lower Manhattan (except subleases) with a term of at least five years that commence between July 1, 2005 and June 30, 2017. As to such leases, the two-thirds and one-third limits described above will not apply, and leased space can qualify for the reduction regardless of when the building was constructed or received its certificate of occupancy. The special reduction will not be available after March 31, 2024.
- A CRT special reduction is allowed for premises located in Manhattan's Special Garment Center District (as defined in the City's zoning resolution) that are used for industrial and manufacturing activities. The special reduction applies to eligible leases commencing on or after July 1, 2005, and is available for up to 120 months, but in no case after June 30, 2020.
- Lower Manhattan retail premises, defined as premises used primarily for the selling of tangible goods to ultimate consumers, are exempted from the CRT beginning December 1, 2005. Also exempted from the tax are tenants in a defined area of Lower Manhattan referred to as the World Trade Center Area.

Energy Cost Savings

Eligible occupants of commercial space in renovated or newly constructed buildings located in a defined area of Lower Manhattan may receive a reduction in their electricity costs. Eligibility for the benefit depends on several factors, including investment in the building, occupancy of premises in the building by eligible users (generally commercial tenants), and compliance with certain sub-metering and notice requirements.

In general, the reduction in energy charges is provided as a rebate in the form of a reduced energy bill from the utility to the building's landlord, who, in turn, is required to pass along the benefit to eligible tenants. The utility recoups the special rebate by claiming a credit for the amount against its gross receipts tax otherwise payable to the City. Application for benefits must be made after June 30, 1995 and before July 1, 2017, and, in any case, before a building permit for the required construction or renovation is issued.

Taxes Affected

Commercial Rent Tax
Utility Tax

Tax Expenditure

CRT special reduction benefit for leases: \$8 million (July 1, 2013 – June 30, 2014)
CRT Garment Center District reduction: Less than \$1 million
CRT Lower Manhattan retail premises: Not available
UTX Energy Cost Savings: \$17 million

Energy Cost Savings Program (ECSP) Credit

Citation

NYS General City Law, Sections 25-s to 25-u
NYC Administrative Code, Section 11-1105.1 and Chapter 6 of Title 22

Policy Objective

To promote business development in designated parts of Manhattan and in the other boroughs of New York City.

Description

The ECSP program applies to industrial and commercial companies that relocate to Manhattan north of 96th Street or the other boroughs or that occupy new or improved space in these areas. Manufacturing firms that own or lease space in a building located in Manhattan south of 96th Street may also qualify for ECSP benefits. In addition, certain other eligible businesses in lower Manhattan may be eligible for ECSP benefits (see Commercial Revitalization Program).

An eligible user that purchases electricity or gas from a utility supervised by the Public Service Commission is entitled to receive from the utility a special rebate, which will reduce its monthly utility bills. Utilities deduct the rebates they grant from their City utility gross receipts tax payments.

The ECSP reduction in energy costs is calculated as a percentage of the cost of delivery. Eligible firms receive a 45 percent discount off of the delivery portion of the electric bill and 35 percent off of gas delivery costs. Tying the reduction to delivery costs enables businesses to purchase the electric or natural gas commodity in the deregulated market and realize additional savings. ECSP benefits must be received directly from a PSC-supervised utility, which, as noted above, will receive a utility tax credit for rebate amounts against its utility gross receipts tax payments.

The current deadline for new applicants to qualify for benefits is June 30, 2017.

Tax Affected

Utility Tax

Tax Expenditure

\$25 million

Business Income and Excise Taxes

International Banking Facility Deduction

Citation

NYC Administrative Code, Section 11-641(f)

Policy Objective

Promote international banking activities in New York City.

Description

Beginning in December 1981, the Federal Reserve Board permitted banking offices in the United States to establish international banking facilities (IBFs). This allowed banking offices to conduct a deposit and loan business with foreign residents without being subject to reserve requirements or interest rate ceilings. In addition, several states, including New York, have encouraged banking institutions to establish IBFs by granting favorable tax treatment under State or local law for IBF operations.

Both New York City and State allow banking corporations to deduct the adjusted eligible net income of an IBF, and to exclude IBF payroll, receipts and deposits from the numerator and denominator of the income allocation formula, in calculating taxable income under their banking corporation taxes. Alternatively, a bank can elect to include its IBF's results in calculating its net income, but to exclude IBF payroll, receipts and deposits from the numerator (while including them in the denominator) of its income allocation formula. As a result, banking offices in New York can, through their IBFs, conduct transactions with foreign residents in a regulatory environment broadly similar to that of the Eurocurrency market without having to use an offshore facility.

Tax Affected

Banking Corporation Tax¹

Tax Expenditure

\$21 million

Number of Beneficiaries

27 banking corporations

¹ The Corporate Tax of 2015 eliminates the special treatment of IBFs.

Biotechnology Credit

Citation

NYS Tax Law, Section 1201-a(d), NYC Administrative Code, Sections 11-503(o) and 11-604.21

Policy Objective

To encourage emerging biotechnology companies to locate and expand in the City.

Description

Biotechnology firms with not more than 100 full-time employees, at least 75 percent of whom are employed in the City, with total annual product sales not exceeding \$10 million, and that meet certain other conditions, are eligible for a credit against the general corporation tax or unincorporated business tax based on qualifying expenditures for research and development property, qualified research expenses and qualified high-technology training costs. A taxpayer is allowed a credit of up to \$250,000 for a tax year in which its in-City employment level is at least 105 percent of its base year employment; if the increase in jobs is less than 105 percent, the credit is limited to 50 percent of the amount otherwise allowable and the total annual credit cannot exceed \$125,000. The credit can only be claimed for three consecutive years. The total of all biotechnology credits allowed during any calendar year cannot exceed \$3 million; if the cap is exceeded, the credits are to be prorated under rules adopted by the Commissioner of Finance.

The credit is available only for tax years beginning on or after January 1, 2010 and before January 1, 2019.

Taxes Affected

General Corporation Tax¹
Unincorporated Business Tax

Tax Expenditure

\$2 million

Number of Beneficiaries

18 firms

¹ The biotechnology credit is continued under the Corporate Tax of 2015, and is available for tax years beginning before January 1, 2019.

Business Income and Excise Taxes

School Bus Operation Deduction

Citation

NYC Administrative Code, Section 11-602.8(a)(4)

Policy Objective

To encourage lower charges for bus services used for educational, charitable or religious purposes.

Description

Income derived from the operation of school buses, where the customer is a school district or a corporation or association organized and operated exclusively for religious, charitable or educational purposes, is excludable from taxable income.

Tax Affected

General Corporation Tax¹

Tax Expenditure

\$1 million

Number of Beneficiaries

24 firms

¹ The school bus operation deduction is continued under the Corporate Tax of 2015.

Real Estate Investment Trusts (REITs)

Citation

NYC Administrative Code, Sections 11-603.7 and 11-2102.e

Policy Objective

Promote REITs as investment vehicles.

Description

New York City generally conforms to federal tax treatment of Real Estate Investment Trusts (REITs). To the extent that the REIT passes its income to the shareholders, the REIT pays no City corporate tax on that income. The dividend or distributed gain is taxed at the shareholder level. Any undistributed income the REIT possesses is subject to taxation. To the extent that they are taxable, REITs are subject to only two of the four alternate tax bases that apply to other General Corporation taxpayers. The tax liability of a REIT is determined by utilizing only the net income and fixed dollar minimum corporate tax bases. Under legislation adopted in 2009, special rules apply to “captive” REITs required to be included in combined returns.

Legislation enacted in 1994 provided eligible REITs tax relief against the NYC Real Property Transfer Tax (RPTT). The measure was intended to encourage the purchase of NYC properties by REITs by providing a 50 percent RPTT rate reduction during a two-year period for qualifying transfers of property made in connection with the formation of a REIT. In addition, in determining the consideration for a qualifying transfer, the value of the real property was deemed to be its estimated market value as reflected on the most recent notice of assessment issued by the Commissioner of Finance, or such other value as the taxpayer could establish to the Commissioner’s satisfaction.

Legislation enacted in 1996 made the above benefit permanent and extended the benefit to certain transfers to pre-existing REITs. Through legislative extensions, the reduced tax rate for transfers of real property into existing REITs has been continued until August 31, 2017.

Taxes Affected

General Corporation Tax¹
Real Property Transfer Tax

Tax Expenditure

GCT: Not available
RPTT: Less than \$1 million, representing 1 transaction

¹ The treatment of REITs is continued under the Corporate Tax of 2015.

Business Income and Excise Taxes

Dramatic or Musical Arts Performance Exemption

Citation

NYC Administrative Code, Sections 11-701.17 and 11-704.e

Policy Objective

Promote the dramatic and musical arts in New York City.

Description

A tenant that uses taxable premises for a dramatic or musical arts performance for less than four weeks where there is no indication prior to or at the time that the performance commences that it will continue for less than four weeks is exempt from the Commercial Rent Tax. Under this provision, a dramatic or musical arts performance is defined to include theater plays, musical comedies and operettas. It does not include cabaret or nightclub shows, circuses, aqua shows, ice skating, radio or television performances.

In addition, premises used for the production and performance of a theatrical work are eligible for a Commercial Rent Tax benefit for up to 52 weeks.

Tax Affected

Commercial Rent Tax

Tax Expenditure

Less than \$1 million

Employment Opportunity Relocation Costs Credit and Industrial Business Zone Credit

Citation

NYC Administrative Code, Sections 11-503(f), 11-503(n), 11-604.14, 11-604.17-b and Title 22, Chapter 6-D

Policy Objective

Promote employment in New York City.

Description

Taxpayers may be allowed a tax credit for certain costs incurred in relocating commercial or industrial “employment opportunities” to New York City from an area outside New York State. “Employment opportunity” means the creation of a full-time position and the hiring of an employee for the position. In order to be eligible for the credit, a taxpayer must relocate to the City a minimum of 10 employment opportunities.

The allowable credit may not exceed \$300 and \$500, respectively, for each commercial and industrial position relocated.

Industrial Business Zone Credit. Legislation enacted in 2005 provides a new employment relocation costs credit, in place of the above credit, for industrial and manufacturing firms that satisfy certain conditions. The new credit is a one-time, refundable credit of \$1,000 for each full-time employee (or two part-time employees) relocating to premises in an industrial business zone, as designated by a newly created Industrial Business Zone Boundary Commission. The credit, available in years after 2005, cannot exceed the lesser of \$100,000 or the actual cost of relocating furniture, fixtures, equipment, machinery, and supplies.

Taxes Affected

General Corporation Tax¹
Unincorporated Business Tax

Tax Expenditure

None

¹ These credits are continued under the Corporate Tax of 2015.

Business Income and Excise Taxes

Real Property Tax Escalation Credit

Citation

NYC Administrative Code, Sections 11-503(e) and 11-604.13

Policy Objective

Encourage businesses to relocate to New York City.

Description

Certain taxpayers that have relocated to leased premises in New York City from a location outside New York State and that have created at least 100 full-time industrial or commercial employment opportunities in the City are allowed a tax credit for the amount of additional lease payments actually paid to the taxpayer's landlord that are based solely and directly upon increased real property taxes imposed upon the relocation premises.

Before a taxpayer can claim the credit, the taxpayer's eligibility must be approved and certified by the City. The credit can be claimed annually for the length of the lease term, or for a period not to exceed ten years from the date of relocation, whichever period is shorter.

Taxes Affected

General Corporation Tax¹
Unincorporated Business Tax

Tax Expenditure

None

¹ This credit is continued under the Corporate Tax of 2015.

Housing Development Fund Company Transfers

Citation

NYC Administrative Code, Section 11-2106.9

Policy Objective

Encourage investment in low-income housing developments.

Description

Under legislation enacted in 2016, and effective August 19, 2016, qualifying transfers of real property by or to housing development fund companies organized pursuant to Article 11 of the NYS Private Housing Finance Law (or by or to entities they control) are exempted from the City real property transfer tax. The exemption is retroactive to transfers occurring on or after January 1, 2010.

To qualify for the exemption, the property must be subject to a regulatory agreement with New York State or one of its municipal or public corporations. Among other conditions, the agreement must, for at least 30 years, restrict more than 50 percent of the property's floor area (other than common areas) to residential use, and restrict at least two-thirds of the residential space to use by low-income individuals or families. If less than 100 percent of the property's floor area is to be used by low-income residents, a partial transfer tax will apply based on the percentage of the space that is not so used.

If a regulatory agreement is not in place at the time a transfer occurs, the transfer tax must be paid; however, if the property is made subject to a qualifying regulatory agreement within the following two years, a refund can be applied for.

Taxes Affected

Real Property Transfer Tax

Tax Expenditure

Not Available

Business Income and Excise Taxes

Air Pollution Control Facilities Deduction

Citation

NYC Administrative Code, Sections 11-507(9) and 11-602.8(g)

Policy Objective

Improve the quality of air in New York City.

Description

Eligible taxpayers are entitled to a special deduction for expenditures paid or incurred during the taxable year for the construction, reconstruction, erection or improvement of Air Pollution Control Facilities. Such facilities must be certified by the New York State Commissioner of Environmental Conservation or the State commissioner's designated representative in accordance with applicable provisions of the Environmental Conservation Law, the State sanitary code and regulations, permits or orders issued pursuant thereto.

Taxes Affected

General Corporation Tax¹
Unincorporated Business Tax

Tax Expenditure

Not available

¹ This deduction is continued under the Corporate Tax of 2015.

Credit Line Mortgages

Citation

NYS Tax Law, Section 253-b
NYC Administrative Code, Section 11-2603

Policy Objective

To reduce credit costs for small homeowners and businesses.

Description

Taxpayers normally pay a tax each time a new indebtedness is created that is secured by a mortgage on City-situated real property. However, for a credit-line mortgage — a mortgage that secures indebtedness under a financing agreement that allows the borrower to receive a series of advances or re-advances up to a stated amount — the Mortgage Recording Tax is paid on the maximum principal amount. No further tax is due on advances or re-advances by the lender if the maximum principal amount is not increased.

Prior to 1996, this benefit was only available in the case of one- to six-family, owner-occupied residences. Legislation enacted in 1996 extended this benefit to all residential and commercial credit-line mortgages with a credit limit of less than \$3 million.

Tax Affected

Mortgage Recording Tax

Tax Expenditure

Not available

Business Income and Excise Taxes

Owner, Lessee or Fiduciary that Holds, Leases or Manages Real Property

Citation

NYC Administrative Code, Section 11-502(d)

Policy Objective

Exempt certain revenue-generating activities from business taxation.

Description

The City's Unincorporated Business Tax is generally imposed on unincorporated businesses operating in the City. However, certain owners of real property, lessees or fiduciaries engaged in holding, leasing or managing real property are not considered to be engaged in an unincorporated business, and are exempt from the tax. Other business activities, however, may be taxable. In this connection, if the owner, lessee or fiduciary carries on any business at the real property, including, for example, a garage, restaurant, laundry or health club, that business will be considered incidental to the holding, leasing and management of real property and also not subject to taxation, provided the business is conducted solely for the benefit of tenants and is not available to the public.

An owner of real property, a lessee or a fiduciary that operates a garage in a building exempt from the UBT receives an exemption for income received from building tenants who rent parking spaces in the building's public garage on a monthly or longer-term basis, but income from renting parking spaces to the public or to building tenants on a short-term basis is subject to tax.

Tax Affected

Unincorporated Business Tax

Tax Expenditure

Not available

Purchase and Sale of Property or Financial Instruments for Taxpayer's Own Account

Citation

NYC Administrative Code, Section 11-502(c)

Policy Objective

Exempt certain revenue-generating activities from business taxation.

Description

The City's Unincorporated Business Tax is generally imposed on unincorporated businesses operating in the City. However, individuals or entities engaged in certain trading activities for their own account are not considered to be engaged in an unincorporated business. These activities include the purchase and sale of property or the purchase, sale or writing of stock option contracts, or both, for the individual's or entity's own account. Also included are certain investment transactions involving notional principal contracts and other types of derivative financial instruments.

The law contains certain safe harbors designed to prevent loss of the exemption where incidental business activities are conducted.

Tax Affected

Unincorporated Business Tax

Tax Expenditure

Not available

Business Income and Excise Taxes

Small Corporation Exemption From Alternative Taxes

Citation

NYC Administrative Code, Section 11-604(1)(I)

Policy Objective

To provide tax relief to small corporations located entirely within the City.

Description

For tax years beginning on or after January 1, 2007, the alternative income-plus-stockholder-compensation tax base and the business and investment capital tax base under the general corporation tax do not apply to a corporation if its Federal gross income is less than \$250,000, its business allocation percentage is 100 percent, and it has no investment or subsidiary capital. Such a corporation pays the higher of the tax on entire net income or the fixed dollar minimum tax.

Tax Affected

General Corporation Tax¹

Tax Expenditure

Not available

¹ These provisions are not included under the Corporate Tax of 2015, which does not impose the income-plus-stockholder compensation base and includes only business capital in the capital base.

Special Allocation Rule: Credit Card Interest

Citation

NYC Administrative Code, Section 11-642(a)(2)(D)

Policy Objective

To allocate accurately taxable income derived from a special multi-jurisdictional economic activity.

Description

In determining their business allocation percentage, taxpayers normally determine the source of receipts from services based upon where the services were performed. Accordingly, service charges and fees from credit cards are deemed earned in New York City if the card is serviced in the City. However, credit card interest is allocated based upon the mailing address of the cardholder.

Tax Affected

Banking Corporation Tax¹

Tax Expenditure

Not available

¹ The rule for allocating credit card interest is continued under the Corporate Tax of 2015. However, receipts from service charges and fees are allocated based on the cardholder's mailing address, and receipts from services generally are allocated based on the location of the customer.

Business Income and Excise Taxes

Special Allocation Rule: Newspaper and Periodical Publishers' Advertising Sales Receipts

Citation

NYC Administrative Code, Sections 11-508(e-1) and 11-604.3(a)(2)(B)

Policy Objective

To allocate accurately taxable income derived from a special multi-jurisdictional economic activity.

Description

In determining their business allocation percentage, taxpayers normally determine the source of receipts from services based upon where the services were performed. However, publishers of newspapers and periodicals allocate income received from their sales of advertising based on the number of newspapers and periodicals delivered to points within the City.

Taxes Affected

General Corporation Tax¹
Unincorporated Business Tax

Tax Expenditure

Not available

¹ The rule for allocating advertising sales receipts is continued under the Corporate Tax of 2015. In addition, under the new law, receipts from services generally are allocated based on the location of the customer.

Special Allocation Rule: Radio/TV Commercial Receipts

Citation

NYC Administrative Code, Sections 11-508(e-1) and 11-604.3(a)(2)(B) and .3(a)(9)

Policy Objective

To allocate accurately taxable income derived from a special multi-jurisdictional economic activity.

Description

In determining their business allocation percentage, taxpayers normally determine the source of receipts from services based upon where the services were performed. However, for both GCT and UBT purposes, the income a business receives from broadcasting radio and television commercials or programs (whether through the public airwaves or by cable, satellite transmission or any other means of transmission) is allocated to the City based on the “audience location method,” i.e., the ratio of the number of the broadcaster's New York City listeners/viewers to its total listeners/viewers.

In addition, charges paid by subscribers to television or radio programming services (whether transmitted by cable or otherwise) are allocated to the jurisdiction in which the subscriber is located, determined, generally, on the basis of the subscriber’s billing address.

Taxes Affected

General Corporation Tax¹
Unincorporated Business Tax

Tax Expenditure

Not available

¹ These allocation rules are generally continued under the Corporate Tax of 2015. In addition, under the new law, receipts from services generally are allocated based on the location of the customer.

Business Income and Excise Taxes

Special Allocation Rule: Certain Service Receipts of Registered Securities or Commodities Brokers or Dealers

Citation

NYC Administrative Code, Sections 11-508(e-3), 11-604.3(a)(2)(B) and 11-604.3(a)(10)

Policy Objective

Encourage registered securities and commodities brokers and dealers to locate in New York City.

Description

In determining their business allocation percentage, taxpayers normally determine the source of receipts from services based upon where the services were performed. Special rules apply in apportioning receipts from certain services performed by registered securities or commodities brokers or dealers. Among other items, brokerage commission receipts, margin interest, advisory service fees and account maintenance fees are sourced within and outside the City based on the mailing address of the firm's customer.

Taxes Affected

General Corporation Tax¹
Unincorporated Business Tax

Tax Expenditure

Not available

¹ The rule for allocating these service receipts is continued under the Corporate Tax of 2015. In addition, under the new law, receipts from services generally are allocated based on the location of the customer.

Reduced Corporate Tax Rates for Qualified Manufacturers and Small Businesses

Citation

NYC Administrative Code, Section 11-654.1(j) and (k)

Policy Objective

Encourage manufacturing firms and small businesses to conduct their operations in New York City.

Description

Under the Corporate Tax of 2015, the rate of the tax on allocated business income is 8.85 percent (or 9 percent for financial corporations). Manufacturing companies and small businesses that meet certain conditions can, however, qualify for lower rates.

Qualified New York Manufacturing Corporations

A qualified New York manufacturing corporation is a firm that derives more than 50 percent of its gross receipts from the sale of goods that it manufactures, and that either (1) has manufacturing property in New York State with an adjusted basis of at least \$1 million, or (2) has more than 50 percent of all of its real and personal property in the State.

If a qualified manufacturing corporation's business income allocated to the City is less than \$10 million, its tax rate is 4.425 percent. Under a statutory formula, that lower rate is phased out for firms with allocated business income between \$10 million and \$20 million and business income before allocation between \$20 million and \$40 million.

Small Businesses

A firm's status as a small business depends on the amount of its business income. If a corporation's business income allocated to the City is less than \$1 million, its tax rate is 6.5 percent. That lower rate is phased out for firms with allocated business income between \$1 million and \$1.5 million and business income before allocation between \$2 million and \$3 million.

Taxes Affected

Corporate Tax of 2015

Tax Expenditure

None in 2013; law is effective for tax years beginning on or after January 1, 2015.

Business Income and Excise Taxes

Special Deduction in Determining Entire Net Income of Certain Banking Institutions

Citation

NYC Administrative Code, Section 11-652.8(q), (r), (s) and (t)

Policy Objective

Encourage local lending in New York City.

Description

To encourage local lending in New York City, the Corporate Tax of 2015 allows qualifying banking institutions to claim certain deductions in calculating entire net income subject to tax. The types of institutions that can qualify for benefits under this program include (1) small thrift institutions and qualified community banks that make New York City small business loans and New York City residential mortgage loans, (2) thrifts and qualified community banks holding qualified residential loan portfolios, and (3) institutions with less than \$150 billion of assets that make or purchase loans secured by residential real property in the City used for affordable housing or located in a low income community. The allowable deduction may be for a portion of the interest income received on qualifying loans or a percentage of entire net income determined with reference to the amount of the federal bad debt deduction claimed.

Taxes Affected

Corporate Tax of 2015

Tax Expenditure

None in 2013; law is effective for tax years beginning on or after January 1, 2015.

Beer Production Credit for Beer Produced in New York City

Citation

NYC Administrative Code, Sections 11-503(p), 11-604.22 and 11-654.22

Policy Objective

Encourage the growth of New York City breweries.

Description

For tax years beginning on or after January 1, 2017, a beer distributor registered with the NYS Department of Taxation and Finance that produces no more than 60 million gallons of beer in the State is allowed a credit for each gallon of beer produced in the City; however, the credit cannot be claimed for more than 15.5 million gallons produced during the year. The amount of the credit is 12 cents per gallon for the first 500,000 gallons of beer produced in the City during the year and 3.86 cents per gallon on any excess over 500,000 gallons. Credits in excess of tax liability are refundable.

Taxes Affected

Unincorporated Business Tax
General Corporation Tax
Corporate Tax of 2015

Tax Expenditure

None in 2013; law is effective for tax years beginning on or after January 1, 2017.

Business Income and Excise Taxes

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PART IV

SALES AND USE TAX EXPENDITURES

Overview

The New York City sales and use tax generally applies to retail sales of tangible personal property and certain services occurring within the City. With some exceptions, the tax base is the same as for the New York State sales and use tax. First imposed in 1934, the New York City sales and use tax rate is currently 4.5 percent, charged in addition to the 4.0 percent NYS sales and use tax and the Metropolitan Commuter Transportation District surcharge of 0.375 percent. The State took over responsibility for collecting, administering and enforcing the sales and use tax on behalf of all localities with a sales and use tax when it adopted its own sales and use tax in 1965.

NYC Sales & Use Tax Rates*	
August 1, 1965 - Present	
August 1, 1965 to June 30, 1974.....	3.000%
July 1, 1974 to June 3, 2003.....	4.000%
June 4, 2003 to May 31, 2005.....	4.125%
June 1, 2005 to July 31, 2009.....	4.000%
August 1, 2009 to present.....	4.500%

* Some parts of the tax base may be subject to different rates than shown here.

This section of the report begins with a comprehensive list of exemptions to the City sales and use tax base that makes note of how they differ from the State's exemptions. Table 8 provides available City tax expenditure estimates for the current reporting year and is followed by detailed descriptions of tax expenditure programs for which special valuation methodologies have been developed.

The estimates of City tax expenditures in this section of the report are based on internal government agency information and published non-tax aggregate data. Estimates should be considered only suggestive of the revenue loss associated with the particular provision of law because they necessarily rely on subjective assumptions. For example, in valuing exemptions from the tax base, it is assumed that all transactions would be subject to sales and use tax if the exemption were eliminated, but in reality, some transactions would continue to be tax-exempt because the purchaser is a tax-exempt entity such as a government agency or non-profit charitable organization.

City Tax Expenditures

Tax Expenditures Common to the City and the State

The retail sale of the following are exempt from City and State sales and use taxes.

Sales and Use Tax

Services

- Certain information services ¹
- Certain information services provided over the telephone
- Services performed on a non-trade basis
- Laundering, tailoring, shoe repair and similar services
- Capital improvement installation services
- Services related to railroad rolling stock
- Services related to property delivered outside New York
- Municipal parking services
- Parking and garaging at a private residence
- Certain protective and detective services
- Medical emergency alarm call services
- Coin-operated car wash services
- Trash removal from a waste transfer facility
- Transportation services in connection with funerals
- Transportation services provided by affiliated livery vehicles
- Water and sewer line protection services

Food

- Certain food products
- Food sold to airlines
- Food sold at school cafeterias
- Food purchased with food stamps
- Water delivered to consumers through mains or pipes
- Mandatory gratuity charges
- Wine, beer, cider or liquor used for tastings
- Vending machine sales of hot drinks and certain foods
- Vending machine sales of candy, juice and soft drinks
- Food sold at senior citizen housing communities

Medical

- Drugs, medicines and medical supplies
- Eyeglasses, hearing aids and prosthetic aids
- Veterinarian services
- Service dogs

Energy

- Fuel, gas, electricity, refrigeration and steam used in farming and commercial horse boarding
- Gas and electricity used in transmission, distribution and storage
- Electricity, refrigeration, and steam sold by certain cooperative corporations
- Residential solar energy systems
- Alternative fuels
- B20 bio-diesel fuel

Transportation

- Commercial vessels

¹ Starting in 1991, the City taxed credit rating and credit reporting, whether rendered in written, oral, or any other manner.

Vessels¹
Barge repairs
Commercial aircraft
General aviation aircraft
Fuel sold to airlines
Parts for foreign aircraft
Services to private aircraft
Intra-family sales of motor vehicles
Motor vehicles and vessels sold to non-residents
Motor vehicles purchased out-of-state by a member of the military
Rental of trucks in certain cases
Tractor-trailer combinations
Sales of property by railroads in reorganization
Commercial buses

Communication and Media

Interstate and international telephone and telegraph service
Newspapers and periodicals
Electronic news services and electronic periodicals
Shopping papers
Telephone services used by the media
Certain coin-operated telephone charges
Cable television service
Internet access services
Certain telecommunications and Internet equipment
Radio and television broadcasting
Internet data centers
Film production
Certain mobile telecommunication services

Industry

Tools and supplies used in production
Farm production and commercial horse boarding
Research and development property
Machinery and equipment used in production
Services to machinery and equipment used in production
Wrapping and packaging materials
Milk crates
Commercial fishing vessels
Certain services used in gas/oil production
Pollution control equipment
Property manufactured by user

Miscellaneous

Certain property sold through vending machines
Trade-in allowances

¹ Only the portion of the sales price that exceeds \$230,000 is exempt from sales tax. Applies to vessels as defined in Section 2250 of the Vehicle and Traffic Law.

Sales and Use Tax

Hotel room rents paid by a permanent resident ¹
Dues for fraternal societies
Dues for homeowners' associations
Homeowner association parking services
Property sold by morticians
Flags
Military decorations
Military flags and banners
Garage sales
New mobile homes
Used mobile homes
Modular homes
Registered race horses
Race horses purchased through claiming races
Race horses purchased outside the State
Training and maintaining race horses
Property sold to contractor for capital improvements or repairs for exempt organizations
Property donated by manufacturer to tax-exempt organization
Sales and use taxes paid to other states
Precious metal bullion and coins
Computer software transferred to affiliated corporations
Services to computer software
Self-use of pre-written software by its author
Certain computer system hardware
Promotional materials mailed out of state
Printed promotional materials
U.S. postage used in the distribution of promotional materials
Clothing and footwear
Coin-operated photocopying machines
Luggage carts
Emissions-testing equipment
College textbooks
Live dramatic or musical arts production
Lower Manhattan commercial office space
Certain related-party sales that arise as a result of the Dodd-Frank Wall Street Reform and Consumer Protection Act

Tax Expenditure Applicable to NYC Only

Interior Decorating and Design Services are exempt from City sales and use tax but are subject to State sales and use tax and the Metropolitan Commuter Transportation District surcharge.

Other Exemptions from the Sales and Use Tax

The following are not considered tax expenditures for purposes of this report (see definition of tax expenditures in Part I) but are listed below for reference. They are common to the State and the City.

¹ The City defines a permanent resident as an occupant of a hotel room for at least 180 consecutive days while the State defines a permanent resident as an occupant for at least 90 consecutive days.

Exempt Organizations

- New York State agencies and political subdivisions
- Industrial development agencies
- Federal agencies
- United Nations
- Diplomats and foreign missions
- Charitable organizations
- Veterans' posts or organizations
- Veterans' home gift shops
- Indian nations and members of such Indian nations
- U.S. military base post exchanges
- Non-profit health maintenance organizations
- Non-profit medical expense indemnity or hospital service corporations
- Non-profit property/casualty insurance companies
- Certain State credit unions
- Rural electric cooperatives

Admission Charges

- Certain admission charges
- Amusement park admissions
- Events given for the benefit of charitable organizations, veterans' posts, and Indian nations
- Certain symphony orchestra and opera company events
- National Guard organization events
- Municipal police and fire department events
- Certain athletic games
- Carnivals or rodeos for certain charitable organizations
- Agricultural fairs
- Historic homes, gardens, sites, and museums
- Performances at a roof garden or cabaret

Credits

- Tangible property sold by contractors in certain situations
- Veterinary drugs
- Bus companies providing local transit service
- Vessel operators providing local transit service
- START-UP NY tax elimination credit

NYC Tax Expenditure Estimates and Program Descriptions

Table 8 on page 113 presents available NYC tax expenditure estimates. Only programs for which estimates are available are included in the table.

Part I of the table provides estimates using data from primary sources, including city agencies, New York State agencies, the Port Authority of New York and New Jersey, and federal agencies, and estimates derived with specific methodologies developed by the Department of Finance. Additional information about the sales tax exemptions and sources of data appear after the table. For CY2013, tax expenditure estimates derived in this manner totaled \$1 billion.

Sales and Use Tax

Part II of the table provides estimates that were calculated by sharing down statewide tax expenditures reported in the FY 2017 New York State Annual Report of Tax Expenditures. The sharedown percentage for 2013 is 47%, the ratio of NYC net sales tax revenue to NYS net sales tax revenue. For CY2013, NYC tax expenditure estimates obtained in this manner totaled \$3.2 billion. Please refer to the New York State Annual Report of Tax Expenditures for further details about these tax expenditures. Reports are available at <https://www.budget.ny.gov/pubs/archive/index.html>

Table 8
TAX EXPENDITURE ESTIMATES FOR SELECTED EXEMPTIONS
FROM THE SALES TAX BASE
January 1, 2013 – December 31, 2013

Program	Amount (\$ Millions)
<i>Part I. Estimates derived from primary sources or through methodologies developed by the Department of Finance</i>	
Clothing & Footwear*	450
Fuel Sold to Airlines	225
Cable Television Service	121
Interstate and International Telephone and Telegraph	90
Water Delivered Through Mains or Pipes*	75
Newspapers and Periodicals	22
Interior Design & Decorating Services	17
Lower Manhattan Commercial Office Space	14
Airline Food and Drink for In-Flight Consumption	5
Transportation Services Provided by Affiliated Livery Vehicles	3
<i>Part II. Estimates derived by sharing down statewide estimates</i>	
Services	
Capital Improvement Installation Services	231
Laundering, Tailoring, Shoe Repair, and Similar Services	39
Coin-Operated Car Wash Services	6
Municipal Parking Services	5
Trash Removal from a Waste Transfer Facility	2
Medical Emergency Alarm Call Services	1
Transportation Services in Connection with Funerals	1
Food	
Certain Food Products	643
Food Purchased with Food Stamps	120
Food Sold at School Cafeterias	91
Mandatory Gratuity Charges	20
Vending Machine Sales of Hot Drinks and Certain Foods	7
Vending Machine Sales of Candy, Juice and Soft Drinks	2
Medical	
Drugs, Medicine and Medical Supplies	575
Eyeglasses, Hearing Aids and Prosthetic Aids	79
Veterinarian Services	19

(continued)

Sales and Use Tax

Energy	
Fuel, Gas, Electricity, Refrigeration and Steam Used in R&D and Production.....	69
Gas and Electricity Used in Transmission, Distribution and Storage.....	4
Transportation	
Tractor-Trailer Combinations.....	13
Commercial Aircraft.....	11
Services to Private Aircraft.....	3
Commercial Buses.....	3
Motor Vehicles Purchased Out-of-State by a Member of the Military.....	0
Communication and Media	
Internet Access Service.....	150
Telecommunications and Internet Equipment.....	43
Internet Data Centers.....	7
Certain Mobile Telecommunications Services.....	2
Radio and Television Broadcasting.....	2
Shopping Papers.....	1
Certain Coin-Operated Telephone Charges.....	1
Industry	
Machinery and Equipment Used in Production.....	176
Research and Development Property.....	37
Services to Machinery and Equipment Used in Production.....	9
Pollution Control Equipment.....	7
Miscellaneous	
Trade-in Allowance.....	390
Precious Metal Bullion and Coins.....	273
Property Sold to Contractors for Capital Improvements or Repairs for Exempt Organizations.....	56
Printed Promotional Materials.....	30
College Textbooks.....	13
Dues for Fraternal Societies.....	10
Computer System Hardware.....	8
Property Sold by Morticians.....	5
Live Dramatic or Musical Arts Production.....	3
Certain Property Sold Through Vending Machines.....	1
Total	4,182

* Reported for fiscal year rather than calendar year.

Clothing and Footwear

Citation

NYS Tax Law, Section 1115(a)(30) and NYC Administrative Code, Section 11-2001(b)(4)

Description

Effective March 1, 2000, the City exempted clothing and footwear items that cost less than \$110 from City sales tax. The exemption also applies to items, such as fabric, thread and buttons, that are used to make or repair exempt clothing.

The exemption was suspended from June 1, 2003 to August 31, 2005, and then restored effective September 1, 2005. Starting September 1, 2007, clothing and footwear items that cost \$110 or more were also exempted from City sales tax; this exemption was repealed effective August 1, 2009.

**History of Sales Tax Exemptions on Clothing and Footwear
New York City**

Pre-March 1, 2000	Not Exempt*
March 1, 2000 - May 31, 2003	Exempt under \$110
June 1, 2003 - August 31, 2005	Not Exempt
September 1, 2005 - August 31, 2007	Exempt under \$110
September 1, 2007 - July 31, 2009	All Exempt
August 1, 2009 - Present	Exempt under \$110

* There were various sales tax-free weeks between 1996 and March 2000.

Tax Expenditure

\$450 million in FY 2013 (July 1, 2012 – June 30, 2013).

Data Source

The tax expenditure estimate was provided by the NYC Office of Management and Budget, Tax Policy, Revenue Forecasting and Economic Analysis Task Force.

Sales and Use Tax

Aviation Fuel Sold to Airlines

Citation

NYS Tax Law, Section 1115(a)(9)

Description

Fuel sold to airlines for use in their airplanes is tax exempt.

Tax Expenditure

\$225 million. Includes only sales at LaGuardia and John F. Kennedy International Airports.

Data Source

Estimates are prepared based on data from (1) the Port Authority of New York and New Jersey and (2) the United States Department of Transportation, Research and Innovative Technology Administration, Bureau of Transportation Statistics.

Cable Television Service

Citation

NYS Tax Law, Section 1105(c)(9)

Description

The provision of cable television services to customers is tax-exempt.

Tax Expenditure

\$121 million. Estimate includes open video systems and Verizon FIOS.

Data Source

Estimates are prepared based on data provided by the City of New York, Department of Information Technology and Telecommunications (DoITT).

Interstate and International Telephone and Telegraph

Citation

NYS Tax Law, Section 1105(b)

Description

Interstate and international telephone and telegraph services are tax exempt.

Tax Expenditure

\$90 million.

Data Source

Estimates are prepared based on data from (1) the Federal Communications Commission and (2) the United States Department of Commerce, United States Census Bureau.

Water Delivered to Consumer Through Mains or Pipes

Citation

NYS Tax Law, Section 1115(a)(2)

Description

Purchases of water delivered to the consumer through mains or pipes are exempt.

Tax Expenditure

\$75 million. Wastewater is excluded. Amount reported is for FY 2013.

Data Source

Estimates are prepared based on data provided by the Water Board, City of New York, Department of Environmental Protection.

Sales and Use Tax

Newspapers and Periodicals

Citation

NYS Tax Law, Sections 1101(b)(6), 1115(a)(5)

Description

Newspapers and periodicals are exempt from sales and use tax.

Tax Expenditure

\$22 million

Data Source

Estimates are prepared based on data from the United States Department of Commerce, United States Census Bureau.

Interior Decorating and Design Services

Citation

Laws of New York, 1995, Chapters 297 and 298

Description

Interior decorating and design services delivered within NYC are not subject to City sales tax. Charges for interior decorating and design services that are provided in conjunction with the sale of tangible personal property or other services must be separately itemized on the bill or invoice given to the customer for the sales tax exemption to apply. Customers are required to pay New York State and MCTD sales taxes.

Tax Expenditure

\$17 million. The estimate includes only entities that filed NYS sales tax returns using an address in NYC and reported their NAICS industry code as 541410.

Data Source

New York State sales tax return files of NYC filers provided to the NYC Department of Finance.

Lower Manhattan Commercial Office Space

Citation

NYS Tax Law, Section 1115(ee)

Description

Purchase and use of certain property used to outfit, furnish, and equip certain leased commercial office space in eligible areas in Lower Manhattan are exempt from sales and compensating use tax. Commercial tenants, landlords, and contractors are eligible for the exemption.

Tax Expenditure

\$14 million

Data Source

New York State Annual Report of Tax Expenditures.

Airline Food and Drink for In-Flight Consumption

Citation

NYS Tax Law, Section 1105(d)(ii)(A)

Description

Sales of food and drink to airlines for in-flight consumption are exempt from sales taxes.

Tax Expenditure

\$5 million. Includes food and drink consumed on flights (foreign and domestic) that originate at LaGuardia and John F. Kennedy International Airports. Estimate excludes non-scheduled passengers.

Data Source

Estimates are prepared based on data from the United States Department of Transportation, Research and Innovative Technology Administration, Bureau of Transportation Statistics.

Sales and Use Tax

Transportation Services Provided by Affiliated Livery Vehicles

Citation

NYS Tax Law, Sections 1101(b)(34)

Description

Charges for certain transportation services provided by affiliated livery vehicles within New York City are excluded from the sales tax.

Tax Expenditure

\$3 million.

Data Source

New York State Annual Report of Tax Expenditures.

PART V

PERSONAL INCOME TAX EXPENDITURES

Overview

New York City charges its residents personal income tax based on their New York State taxable income. Like the sales and use tax, the personal income tax is collected, administered and enforced by the New York State Department of Taxation and Finance.

Modifications of Personal Income and Tax Liability for NYC Purposes

The following list identifies selected items that modify personal income and tax liability for New York City personal income tax purposes. These items are primarily federal exclusions from income and State modifications that pass through in determining City taxable income.

Federal Exclusions from Income

- IRA and Keogh Contributions and Earnings Exclusion
- Income Earned Abroad by U.S. Citizens
- Passive Losses on Rental Real Estate
- Capital Gains on Home Sales
- Scholarship and Fellowship Income
- Employee Meals and Lodging
- Public Assistance Benefits
- Veterans Benefits
- Employer Contributions for Medical or Long-Term Care Insurance
- Employer Contributions for Employee Pensions
- Workers' Compensation Benefits
- Employer-Provided Tuition Assistance
- Employer-Provided Child Care
- Certain Employer-Provided Transportation Benefits
- Benefits and Allowances to Armed Forces Personnel
- Accelerated Death Benefits
- Contributions to Health/Medical Savings Accounts
- Self-Employed Persons' Health and Long-Term Care Insurance
- Employer-Provided Adoption Assistance
- Employer-Paid Premiums on Life, Accident and Disability Insurance
- Interest on Life Insurance Policy and Annuity Cash Value
- Interest on Qualified New York State and Local Bonds
- Oil and Gas Exploration and Development Costs
- Accelerated Depreciation
- Amortization of Business Start-Up Costs
- Capital Gains at Death
- Farmers' Expensing of Capital Outlays
- Capital Asset Treatment of Certain Timber Income and from Ore and Coal Royalties
- Expensing of R&D Costs

Personal Income Tax

Expensing of Certain Depreciable Business Property
Social Security and Railroad Retirement Benefits (Partial Exclusion)
Capital Gains from Small Corporation Stock
Expensing of Certain Small Investments
Deferral of Income from Installment Sales
Student Loan Interest
Education IRA's
Earnings of Qualified Tuition Programs

New York State Modifications to Income

Additions¹

Interest or Dividends on Obligations or Securities of Certain Federal Authorities
Interest on Obligations of Other States or Political Subdivisions of those States
State, Local or Foreign Income Taxes, Including Unincorporated Business Income
Taxes, Deducted in Determining Federal Taxable Income
Interest on Loans Incurred to Carry Tax-Exempt Securities
Expenses for Production of Tax-Exempt Income
Public Employee Retirement Contributions
Federal Percentage Depletion
New Business Investment Deferral
S Corporation Shareholder Additions
College Choice Tuition Savings Distributions
Other Additions

Subtractions

Interest and Dividends on Obligations or Securities Taxable Federally but NY Tax-Exempt
Interest and Dividends on Obligations or Securities of Certain Federal Authorities
Interest on Obligations of the U.S. and its Possessions
Pensions Paid by the Federal Government, the State of New York or New York Localities
Portion of Pensions and Annuities Received by Individuals 59½ Years of Age or Older
Disability Income Included in Federal AGI
Social Security and Tier I Railroad Retirement Benefits Included in Federal AGI
Accelerated Death Benefits and Viatical Settlements
Contribution to NYS College Choice Tuition Savings Program
Compensation for Members of an Organized Militia
Deferral of Gain from Sale of Qualifying Emerging Technology Investments
Payments to Victims of Nazi Persecution
Expenses Incurred by Living Organ Donors
Compensation for Service in a Combat Zone for Members of the U.S. Armed Services
Small Business and/or Farm Income
Income Attributable to NYS Business Incubator and Innovation Hot Spot Support Act
Wages Received from Employers Located in a START-UP New York Area
Service Award for Volunteer Firefighters and Ambulance Workers

¹ Addition modifications are not considered tax expenditures. They are listed here for informational purposes.

New York State Deductions and Exemptions (2017)

Standard Deduction

Single.....	\$8,000
Married Filing Joint Return.....	\$16,050
Married Filing Separate Return.....	\$8,000
Head of Household.....	\$11,200
Qualifying Widow(er) with Dependent Child.....	\$16,050

Itemized Deductions

- Medical and Dental Expenses
- Interest Expenses
- Charitable Contribution Deduction
- Casualty and Theft Losses
- Taxes Paid
- College Tuition Deduction
- Miscellaneous Expenses Subject to 2% AGI Threshold
- Other Miscellaneous Expenses

Dependent Exemptions

\$1,000 Exemption per Dependent

New York City Tax Credits

- Household Credit
- Unincorporated Business Tax Paid Credit
- Earned Income Tax Credit
- NYC School Tax Credit¹
- NYC Child and Dependent Care Credit
- Credit for General Corporation Tax Paid by S-Corporations²

¹ New York State funds this credit. For tax years beginning after 2015, this City credit is converted into a New York State personal income tax credit for city residents.

² This credit is available for tax years beginning on or after January 1, 2014 but before July 1, 2019.

Personal Income Tax

Components of Adjusted Gross Income and Summary of Deductions and Credits

Tables 9 and 10 on the following pages are based on a random, stratified sample of 362,205 New York City personal income tax (PIT) returns prepared by the New York State Department of Taxation and Finance, including 267,159 taxpayers. Full-year New York City residents filed 3.9 million returns and, of these, 2.6 million had tax liability. Some of the credits included in Table 10 are based on the full population of full-year resident filers.

New York State administers the City PIT and, accordingly, modifications to income, such as exclusions, deductions and other adjustments allowed by the State in determining taxable income, are automatically passed through to the City tax. City PIT tax rates are independent of the State rates and reflect local policy choices about the distribution of the tax burden among income groups.

The amounts provided are aggregate dollars claimed. Tax liability was not calculated due to the complex interactions of a variety of factors, such as the graduated tax rate structure and the different amounts claimed for each of the items by different income groups and filing types.

The tables on the following pages are for TY 2014, the most recent year for which data are available.

Table 9
NEW YORK CITY PERSONAL INCOME TAX
COMPONENTS OF ADJUSTED GROSS INCOME (AGI)
Tax Year 2014
(\$ Millions)

INCOME		
Wages and Salaries	\$199,751	
Dividends and Interest	\$17,152	
Business Income/Loss	\$9,710	
Capital Gain/Loss	\$48,086	
Social Security, Pensions, Annuities, IRA	\$12,967	
Other Income (1)	\$32,621	
Federal Adjustments (2)	(\$3,818)	
FEDERAL AGI (3)		\$316,469
NY ADDITIONS		
Interest Income on State and Local Bonds (4)	\$722	
Other Additions (5)	\$4,304	
TOTAL ADDITION ADJUSTMENTS		\$5,026
NY SUBTRACTIONS		
Pension Income from Federal, NYS, and Local Governments	(\$2,020)	
U.S. Government Bond Interest	(\$239)	
State and Local Tax Refunds	(\$1,926)	
Taxable Social Security Benefits	(\$3,381)	
Pension and Annuity Income Exclusion (6)	(\$2,205)	
New York's 529 College Savings Program Deduction	(\$272)	
Other Subtractions	(\$1,750)	
TOTAL SUBTRACTION ADJUSTMENTS		(\$11,793)
NY STATE AGI (3)		\$309,697

Note: Table pertains to full-year NYC resident taxpayers only. Totals may not add due to rounding.

1. Includes taxable tax refunds, unemployment compensation, alimony received, and other income or losses.
2. Includes IRA and Keogh plan contributions, one-half of self-employment tax, self-employed health insurance deduction, penalty on early withdrawal of savings, and alimony paid.
3. Amount is adjusted to include New York State Office of Tax Policy Analysis corrections.
4. Does not include interest paid on debt issued by New York State or local governments within the state.
5. Includes public employee retirement contributions, college choice tuition savings distributions, and miscellaneous adjustments.
6. Taxpayers may take an exclusion of up to \$20,000 for qualifying pension and annuity income.

Personal Income Tax

Table 10
NEW YORK CITY PERSONAL INCOME TAX
SUMMARY OF DEDUCTIONS AND CREDITS
Tax Year 2014
(\$ Millions)

DEDUCTIONS

FEDERAL ITEMIZED DEDUCTIONS

Taxes Paid	(\$19,742)
Mortgage Interest Paid	(\$5,228)
Charitable Contributions	(\$9,015)
Theft and Casualty Losses	(\$12)
Medical Expenses	(\$602)
Job and Employee Expenses (1)	(\$3,647)
College Tuition Deduction	(\$252)
Other Miscellaneous Expenses (2)	(\$232)

TOTAL FEDERAL ITEMIZED DEDUCTIONS (3) (\$38,729)

TOTAL ITEMIZED DEDUCTIONS (4) (\$13,650)

TOTAL STANDARD DEDUCTION (\$20,175)

TOTAL DEDUCTIONS APPLIED (\$33,825)

EXEMPTIONS APPLIED (\$1,433)

TAXABLE INCOME \$274,438

NYC RESIDENT TAX (5) \$9,941

NYC Household Credit	(\$11)
Credit for Unincorporated Business Tax Paid	(\$151)
Earned Income Tax Credit	(\$105)
NYC School Tax Credit (6)	(\$282)
NYC Child and Dependent Care Credit	(\$11)
Credit for General Corporation Tax Paid	(\$1)

TOTAL NYC TAX LIABILITY \$9,380

Note: Table pertains to full-year NYC resident taxpayers only. Totals may not add due to rounding.

1. Job expenses and most other miscellaneous deductions are subject to a 2% of AGI threshold.
2. Includes miscellaneous deductions not subject to the 2% threshold.
3. Shown before application of the Pease limitation.
4. Available itemized deductions after New York State add-backs and high-income limitations.
5. Tax credits are based on filers in the population file rather than the taxpayer sample.
6. The NYC School Tax Relief (STAR) credit is state-funded. For tax years beginning after 2015, this city credit is converted into a New York State personal income tax credit for city residents.

Earned Income Credit

Citation

NYS Tax Law, Section 1310(f); NYC Administrative Code, Section 11-1706(d)

Policy Objective

Provide tax relief to low-income New York City residents.

Description

Beginning in TY 2004, low-income New York City residents are eligible for an earned income tax credit against the City personal income tax equal to 5 percent of the earned income tax credit allowed for federal income tax purposes. If the City credit is greater than the taxpayer's tax liability, after deducting other allowable credits, the excess will be treated as an overpayment and refunded to the taxpayer.

Distributional Information

A total of 939,467 filers received the earned income tax credit, worth \$105.3 million. The average credit per filer was \$112. Additional distributional information appears below.

**NEW YORK CITY EARNED INCOME TAX CREDIT
TAX YEAR 2014**

Federal Adjusted Gross Income	Number of Filers	Total Value of Credit	Average Value
Under \$5,000	94,767	\$2,179,213	\$23
\$5,000-\$9,999	205,975	\$13,036,598	\$63
\$10,000-\$14,999	215,090	\$26,070,539	\$121
\$15,000-\$19,999	129,318	\$25,663,002	\$198
\$20,000-\$24,999	91,783	\$17,706,134	\$193
\$25,000-\$29,999	73,031	\$10,819,085	\$148
\$30,000-\$51,567	129,503	\$9,802,972	\$76
All Filers	939,467	\$105,277,543	\$112

Tax Expenditure

\$105.3 million

Personal Income Tax

Household Credit

Citation

NYS Tax Law, Section 1310(d)
NYC Administrative Code, Section 11-1706(b)

Policy Objective

Provide tax relief to low-income New York City households.

Description

New York City filers with federal adjusted gross income below specified levels may claim the household credit. The amount of the credit varies according to filing status, federal adjusted gross income and the number of persons in the household. The credit is available to single filers with federal adjusted gross income not greater than \$12,500 and other filing types with adjusted gross income not greater than \$22,500. The credit amount decreases as income increases, and ranges from \$15 to \$10 for single filers, from \$15 to \$5 for married people filing separately, and from \$30 to \$10 per household member for all other filers. The household credit is not refundable.

Distributional Information

In TY 2014, 413,948 New York City filers claimed the household credit. The household credit reduced tax liability by \$10.9 million. The average benefit was \$26 per household, with over half the beneficiaries reporting income below \$15,000.

NEW YORK CITY HOUSEHOLD CREDIT TAX YEAR 2014

Federal Adjusted Gross Income	Number of Filers	Total Value of Credit	Average Value
Under \$10,000	87,868	\$1,215,883	\$14
\$10,000 - \$14,999	138,630	\$2,606,747	\$19
\$15,000 - \$19,999	122,362	\$5,223,730	\$43
\$20,000 - \$22,500	65,088	\$1,810,150	\$28
All Filers	413,948	\$10,856,510	\$26

Tax Expenditure

\$10.9 million

Child and Dependent Care Credit

Citation

NYC Administrative Code, Section 11-1706(e)

Policy Objective

To help low-income NYC residents pay certain expenses necessary for gainful employment.

Description

Beginning with TY 2007, a refundable personal income tax credit is allowed for expenses for certain household and dependent care services necessary for gainful employment. The credit equals the “applicable percentage” of the allowable New York State household and dependent care credit; however, for purposes of the City credit, only child care expenses for dependents under the age of four are considered. For filers with household gross income up to \$25,000, the applicable percentage is 75 percent. Under a sliding-scale formula, the applicable percentage declines from 75 percent to zero for household gross incomes between \$25,000 and \$30,000. The maximum credit, \$1,733 in 2014, can be claimed by: (1) married couples filing jointly with two or more qualifying children and AGI between \$12,000 and \$15,000, as long as neither spouse earned less than \$6,000; or (2) filers using other filing statuses with two or more qualifying children and AGI between \$6,000 and \$15,000.

Distributional Information

A total of 23,650 filers claimed the child and dependent care services credit. The total value of the credit was \$11.3 million and the average credit per filer was \$479.

**NEW YORK CITY CHILD AND DEPENDENT CARE SERVICES CREDIT
TAX YEAR 2014**

Federal Adjusted Gross Income	Number of Filers	Total Value of Credit	Average Value
Under \$5,000	647	\$272,579	\$421
\$5,000-\$9,999	2,664	\$1,302,546	\$489
\$10,000-\$14,999	4,753	\$2,434,743	\$512
\$15,000-\$19,999	5,257	\$2,874,535	\$547
\$20,000-\$24,999	5,023	\$2,865,801	\$571
\$25,000-\$30,000	5,306	\$1,574,821	\$297
All Filers	23,650	\$11,325,025	\$479

Tax Expenditure

\$11.3 million

Personal Income Tax

Credit for Unincorporated Business Tax Payments

Citation

NYS Tax Law, Section 1310(e)
NYC Administrative Code, Section 11-1706(c)

Policy Objective

To relieve New York City residents who own or have an interest in a business subject to the City's unincorporated business tax from the double taxation of income earned by the business.

Description

New York City residents are allowed to claim credits against their City personal income tax liabilities for unincorporated business taxes paid by businesses they carry on as sole proprietors or paid by partnerships in which they are partners. For taxable years beginning on or after January 1, 1997, a City resident whose taxable income is not more than \$42,000 is allowed a credit for 65 percent of his or her share of the UBT paid by the firm for its tax year ending within or at the same time as the resident's tax year; a resident whose taxable income is more than \$42,000 but not more than \$142,000 is allowed a declining credit computed by subtracting from 65 percent, one-tenth of a percentage point for each \$200 of taxable income above \$42,000; and a resident whose taxable income is over \$142,000 is allowed a 15 percent credit. The City is authorized to adopt local laws to raise (but not reduce) the above percentages to as much as a 100 percent credit. A local law enacted in 2007, and applicable to tax years beginning in 2007 and thereafter, raised the credit percentage to 100 percent where taxable income is not over \$42,000, to 23 percent where income is \$142,000 or over, and to a percentage that declines from 100 percent to 23 percent in income ranges between \$42,000 and \$142,000.

Distributional Information

A total of 22,746 taxpayers claimed the unincorporated business tax credit. The total value of the credit was \$150.9 million and the average credit per taxpayer was \$6,635. Additional distributional information appears on the next page.

**UNINCORPORATED BUSINESS TAX CREDIT
TAX YEAR 2014**

Federal Adjusted Gross Income	Number of Taxpayers	Total Value of Credit	Average Value
Less than \$25,000	66	\$160,987	\$2,439
\$25,000 - \$49,999	114	\$85,243	\$748
\$50,000 - \$74,999	309	\$348,272	\$1,127
\$75,000 - \$99,999	903	\$982,965	\$1,089
\$100,000 - \$124,999	1,151	\$1,846,429	\$1,604
\$125,000 - \$149,999	1,053	\$1,674,682	\$1,590
\$150,000 - \$199,999	1,989	\$2,814,783	\$1,415
\$200,000 - \$299,999	3,103	\$4,907,930	\$1,582
\$300,000 - \$499,999	3,603	\$7,878,755	\$2,187
\$500,000 - \$999,999	3,971	\$13,108,436	\$3,301
\$1,000,000 and above	6,484	\$117,112,039	\$18,062
All Taxpayers	22,746	\$150,920,521	\$6,635

Tax Expenditure

\$150.9 million

Personal Income Tax

Credit for General Corporation Tax Paid by S Corporations

Citation

NYC Administrative Code, Section 11-1706(f)

Policy Objective

To relieve New York City residents who are shareholders of certain S corporations subject to the City's general corporation tax from the double taxation of income on which general corporation tax was paid.

Description

Certain City residents who are shareholders of Federal S corporations that have made the New York State S corporation election are eligible for a City personal income tax credit for their share of City general corporation tax paid by their S corporation. If the resident shareholder's taxable income is not more than \$35,000, a full credit is allowed. If taxable income is more than \$35,000 but less than \$100,000, a partial credit is allowed, which decreases as taxable income increases. Taxpayers whose taxable income is \$100,000 or more are not eligible for any credit. The credit is available for tax years beginning on or after January 1, 2014 but before July 1, 2019; however, if a tax year includes days after June 30, 2019, the credit must be prorated to reflect only days occurring before July 1, 2019.

Distributional Information

The credit was claimed by 2,039 taxpayers and was worth a total of \$1.3 million. The average credit per taxpayer was \$618.

CREDIT FOR GENERAL CORPORATION TAX PAID BY S CORPORATIONS TAX YEAR 2014

Federal Adjusted Gross Income	Number of Taxpayers	Total Value of Credit	Average Value
Less than \$25,000	226	\$40,764	\$180
\$25,000 - \$49,999	492	\$248,756	\$506
\$50,000 - \$74,999	497	\$389,988	\$785
\$75,000 - \$99,999	428	\$347,234	\$811
\$100,000 - \$124,999	340	\$189,405	\$557
\$150,000 and above	56	\$44,069	\$787
All Taxpayers	2,039	\$1,260,216	\$618

Tax Expenditure

\$1.3 million.

PART VI

SUMMARY OF PUBLIC COSTS AND BENEFITS RELATED TO PRIVATE INVESTMENT PROJECTS

Excerpted from the Annual Investment Projects Report Pursuant to New York City Charter §1301(1)(b) New York City Economic Development Corporation

This section summarizes the costs and benefits of City financial assistance provided to businesses to support investment, job creation, job retention and growth. Information is excerpted from the FY 2016 Annual Investment Projects Report, Volume I, prepared by the New York City Economic Development Corporation (NYCEDC) and available at <http://www.nycedc.com/about-nycedc/financial-public-documents>.

The Annual Investment Projects Report is required by City Charter §1301(1)(b), as amended by local laws. Reports for FY 2005 through FY 2010 adhered to the requirements of Local Law 48 of 2005; reports for FY 2011 through FY 2013 followed the requirements of Local Law 62 of 2010; and reports for FY 2014 and FY 2015 adhere to the requirements of Local Law 102 of 2013.

City Charter §1301(1)(b), as amended by Local Law 102 of 2013, requires NYCEDC to submit to the New York City Council, the mayor, the city comptroller, the public advocate, and the borough presidents an annual report containing descriptive data on a selected group of NYCEDC projects, the amounts of City assistance (City Costs) provided by NYCEDC to the businesses involved in these projects, and estimates of the tax revenues generated by these projects (City Benefits). Data on investment projects receiving loans, grants and tax or energy benefits (financial assistance) are provided for the life of the project, irrespective of the date it initiated. Data on sales of City-owned land are provided for all transactions closed since January 1, 2005 if at least 25 jobs are estimated to be at the project's site. Data on leases of City-owned land are provided for all active contracts.

NYCEDC believes this report shows how critical its financial assistance efforts are to maintain and expand New York City's economic base by stimulating investment, job growth and business expansion. The typical company investment included in this report would have been delayed, abandoned or made outside the City but for the intervention and support of NYCEDC. In addition, NYCEDC appreciates the opportunity to discuss the public benefits generated by its investment projects and to explain the dynamic public/private partnership that makes NYCEDC successful.

NYCEDC reported 554 financial assistance investment projects. In FY 2016, there were 40 project starts and financial assistance ended for 56 projects. The 554 investment projects accounted for:

- 5.9 percent of total private employment in New York City;
- \$36.1 billion in private investment;
- \$1.8 billion in City costs (present value), net of recapture, cancellations, reductions and penalties; and
- \$50.3 billion in City benefits (present value), net of the assistance provided and recapture/penalties.

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APPENDIX I

NEW YORK CITY CHARTER SECTION 240

Not later than the fifteenth day of February the mayor shall submit to the council a tax benefit report which shall include:

- a. a listing of all exclusions, exemptions, abatements, credits or other benefits allowed against City tax liability, against the base or the rate of, or the amount due pursuant to, each City tax, provided however that such listing need not include any benefits which are applicable without any City action to such City tax because they are available in regard to a federal or State tax on which such City tax is based; and
- b. a description of each tax benefit included in such listing, providing the following information:
 - (1) the legal authority for such tax benefit;
 - (2) the objectives of, and eligibility requirements for, such tax benefit;
 - (3) such data and supporting documentation as are available and meaningful regarding the number and kind of taxpayers using benefits pursuant to such tax benefit and the total amount of benefits used pursuant to such tax benefit, by taxable and/or fiscal year;
 - (4) for each tax benefit pursuant to which a taxpayer is allowed to claim benefits in one year and carry them over for use in one or more later years, the number and kind of taxpayers carrying forward benefits pursuant to such tax benefit and the total amount of benefits carried forward, by taxable and/or fiscal year;
 - (5) for nineteen hundred ninety and each year thereafter for which the information required by paragraphs three and four are not available, the reasons therefor, the steps being taken to provide such information as soon as possible, and the first year for which such information will be available;
 - (6) such data and supporting documentation as are available and meaningful regarding the economic and social impact and other consequences of such tax benefit; and
 - (7) a listing and summary of all evaluations and audits of such tax benefit issued during the previous two years.

APPENDIX II

DESCRIPTION OF MAJOR NEW YORK CITY TAXES

New York City Tax Revenues
Fiscal Year 2016
(Millions)

<u>Tax</u>	<u>Revenues</u>
Real Property Tax	\$22,974
Personal Income Tax	\$10,733
Sales Tax	\$6,911
General Corporation Tax	\$3,354
Unincorporated Business Tax	\$2,040
Real Property Transfer Tax	\$1,775
Mortgage Recording Tax	\$1,234
Commercial Rent Tax	\$779
Hotel Room Occupancy Tax	\$565
Banking Corporation Tax	\$268
Utility Tax	\$354
Other	\$659
<u>Total</u>	<u>\$51,646</u>

Audit revenues and STAR aid are excluded.
Amounts may not add exactly due to rounding.

Banking Corporation Tax

This tax is imposed on banking corporations, including commercial and savings banks, savings and loan associations, trust companies, and certain subsidiaries of banks, which do business in New York City in a corporate or organized capacity.

A banking corporation determines its tax liability by making three alternative calculations and comparing the results to a fixed minimum tax. The tax due is the largest of the following four amounts:

- (1) 9 percent of entire net income allocated to the City;
- (2) 3 percent of alternative entire net income allocated to the City;
- (3) one-tenth of a mill on each dollar of taxable assets allocated to the City (except that, for tax years beginning before 2011, alien banking corporations calculate a tax at the rate of 2.6 mills per dollar of issued capital stock allocated to the City);
- (4) \$125 minimum tax.

Effective January 1, 2015, many taxpayers will be subject to the Corporate Tax of 2015 instead of the Banking Corporation Tax. Please refer to the summary description of the Corporate Tax of 2015 at the end of this appendix.

Commercial Rent Tax

This tax is imposed at an effective rate of 3.9 percent of the base rent paid by tenants of premises used to conduct any business, profession or commercial activity.

The tax does not apply in Manhattan north of 96th Street or in the other boroughs. Tenants with annual rent (or annualized rent for part-year filers) below \$250,000 are exempt from the tax and tenants with annual taxable rents between \$250,000 and \$300,000 are eligible for a sliding-scale credit that partially offsets tax liability.

General Corporation Tax

This tax is imposed on those corporations, both domestic and foreign, that do business, employ capital, own or lease property or maintain an office in New York City.

A corporation determines its tax liability by making three alternative calculations and comparing the results to a sliding-scale fixed minimum tax. The primary tax liability is the largest of the four following amounts:

- (1) 8.85 percent of the corporation's entire net income allocated to the City;

Appendices

- (2) 0.15 percent of the firm's business and investment capital allocated to the City (or 0.04 percent for cooperative housing corporations), subject to a cap of \$1 million;
- (3) 8.85 percent of 15 percent of the sum of entire net income plus the compensation paid to certain shareholders, less a fixed-dollar exclusion, allocated to the City.
- (4) the minimum tax, which ranges from \$25 to \$5,000, depending on the taxpayer's New York City receipts.

Corporations having only business capital, a 100 percent allocation percentage and federal gross income below \$250,000 are not subject to the calculations in items (2) and (3) above.

In addition to the primary tax liability, a tax on subsidiary capital is also payable. The subsidiary tax is at the rate of 0.075 percent of subsidiary capital allocated to the City.

Effective January 1, 2015, many taxpayers will be subject to the Corporate Tax of 2015 instead of the General Corporation Tax. Please refer to the summary description of the Corporate Tax of 2015 at the end of this appendix.

Mortgage Recording Tax

This tax is imposed on the recording of real estate mortgages in New York City. For mortgages that are less than \$500,000, the rate is \$1.00 per \$100 of indebtedness. For mortgages that are \$500,000 or more the rate varies:

- for mortgages on 1-, 2- or 3-family homes or individual residential condominium units, the rate is \$1.125 per \$100 of indebtedness.
- for all other mortgages that are \$500,000 or more, the rate is \$1.75 per \$100 of indebtedness.

Personal Income Tax

This tax is imposed on the taxable income of every resident of New York City. The City's definition of taxable income follows, with certain modifications, Federal law, and is the same as the New York State definition.

The personal income tax rates imposed on New York City residents range from 2.907 percent to 3.876 percent.

Real Property Tax

Under Article 18 of the Real Property Tax Law, real property in New York City is divided into four different classes:

- (1) Class 1 consists of 1-, 2- and 3-family residential property, small condominiums, and certain vacant land north of 110th Street in Manhattan and in the other boroughs;
- (2) Class 2 consists of all other residential property, including cooperatives and condominiums;
- (3) Class 3 consists of utility company equipment and special franchises; and
- (4) Class 4 consists of all other real property, such as office buildings, factories, stores, hotels and lofts.

FY 2017 Rates

New York City assesses properties at a uniform percentage of market value within each class of real property, applying class-specific tax rates to determine tax liability. The rates, per \$100 of assessed value, are as follows:

Class 1	19.991
Class 2	12.892
Class 3	10.934
Class 4	10.574

Real Property Transfer Tax

This tax is imposed on the transfer of real property located in New York City and on the transfer of a controlling economic interest in real property located in New York City.

The rates of the real property transfer tax for residential properties (1-, 2- or 3-family homes, an individual residential condominium unit, or an individual cooperative apartment) are the following:

- for residential properties transferred for a consideration of \$500,000 or less, the rate is 1 percent of the consideration;
- for residential properties transferred for a consideration of more than \$500,000, the rate is 1.425 percent of the consideration.

For properties other than the residential properties referred to above:

- the tax rate is 1.425 percent if the consideration is not more than \$500,000; and
- 2.625 percent if the consideration is more than \$500,000.

Sales and Use Tax

This tax is imposed on the sale or use of tangible personal property and certain services; sales of gas, electricity, steam, refrigeration, and intrastate telephone and telegraph services; food and beverages sold by restaurants and caterers; hotel and motel occupancies; admission charges to certain places of amusement; and club dues. The current city sales tax rate is 4.5 percent.

Appendices

New York City sales and use tax is also imposed on charges for the parking or garaging of motor vehicles. The basic tax rate imposed on the parking charge is 6 percent; an additional 8 percent tax is imposed on parking in Manhattan. Manhattan residents who meet certain conditions are exempt from the 8 percent tax.

Unincorporated Business Tax

This tax is imposed on every individual or unincorporated entity carrying on a trade, business or profession wholly or partly within New York City. The unincorporated business tax is imposed at the rate of 4 percent of taxable income allocable to New York City. A full credit is allowed if the tax is not more than \$3,400 and a partial credit is allowed if the tax is more than \$3,400 but less than \$5,400.

Utility Tax

This tax is imposed on every utility and vendor of utility services that does business in New York City. “Utilities” are those companies that are subject to the supervision of the New York State Department of Public Service, including gas and electric companies and telephone companies. Companies that derive 80 percent or more of their gross receipts from mobile telecommunications services are also considered utilities, regardless of whether they are supervised by the Department of Public Service. Vendors of utility services are those that are not “utilities” but that sell gas, electricity, steam, water, refrigeration, or telecommunications services, or that operate omnibuses, whether or not those activities represent the vendor’s main business.

The basic utility tax rate is 2.35 percent of gross income or gross operating income. Different rates apply to bus companies and railroads.

Corporate Tax of 2015

In 2015, the State Legislature adopted comprehensive City corporate tax reform legislation that substantially conforms to the New York State corporate tax reform measures enacted in 2014 and 2015. The reformed City tax, referred to as the Corporate Tax of 2015, is codified in a new Subchapter 3-A of Chapter 6 of Title 11 of the NYC Administrative Code, which is effective for tax years beginning on or after January 1, 2015. The Corporate Tax of 2015 merges the taxation of general business corporations, which were formerly taxable under the General Corporation Tax, and banking corporations, which were formerly taxable under the Banking Corporation Tax. The Corporate Tax of 2015 does not, however, apply to S corporations (including qualified Subchapter S subsidiaries), as defined in the U.S. Internal Revenue Code. S corporations continue to be subject to the General Corporation Tax or the Banking Corporation Tax.

Among the major changes made by the new corporate tax are the following:

- The entire net income tax base is replaced by a business income tax base.
- The definitions of investment capital and investment income are narrowed and both are exempted from tax.
- The separate treatment of subsidiary capital and subsidiary income is eliminated.
- The alternative tax base measured by income plus compensation paid to certain shareholders is repealed.
- Tax rates for qualifying manufacturers and small businesses are reduced.
- Customer-based sourcing rules are adopted for receipts-allocation purposes.
- The rules for carrying over net operating losses (NOLs) incurred in tax years beginning after 2014 are simplified.
- Pre-2015 NOLs are converted into a “prior NOL conversion subtraction pool” to stabilize their value for financial accounting purposes.
- Combined reporting is adopted for unitary corporations that meet a more-than-50 percent-stock-ownership test, with an election for non-unitary corporations to file a combined return if they meet the ownership test.

A detailed outline describing the City corporate tax reform legislation can be found at: http://www1.nyc.gov/assets/finance/downloads/pdf/corp_tax_reform/corp_tax_reform_outline.pdf

APPENDIX III

**REAL PROPERTY TAX EXPENDITURE
STATISTICAL SUPPLEMENT**

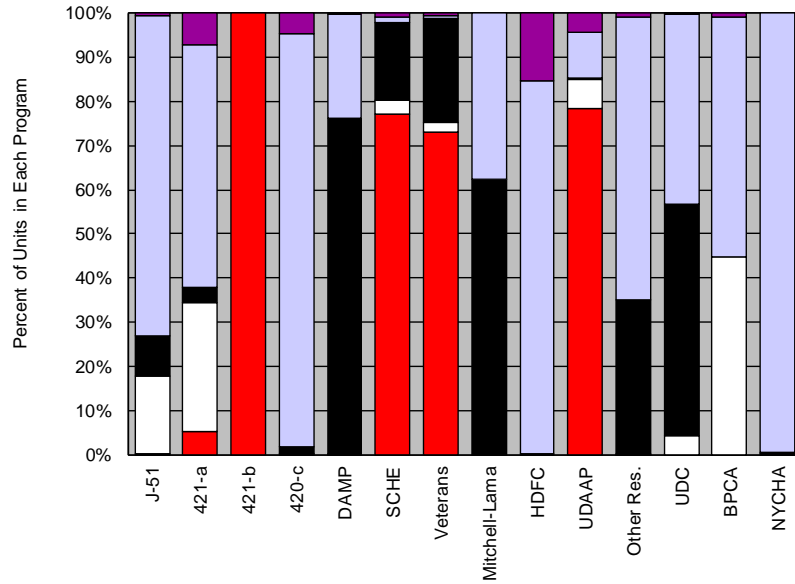
This appendix provides distributions of exemptions by program, borough and building type for FY 2017. Information on the number of units, the exempt assessed value, and the taxable assessed value is included. The number of exemptions presented in Part II of this report may not equal the number of properties presented in this appendix. For example, a single property may receive more than one J-51 exemption if the rehabilitation of the property consisted of separate improvements initiated at different times. Consequently, the data in Part II would account for two exemptions, while the statistical appendix would count one property.

Beginning with this report:

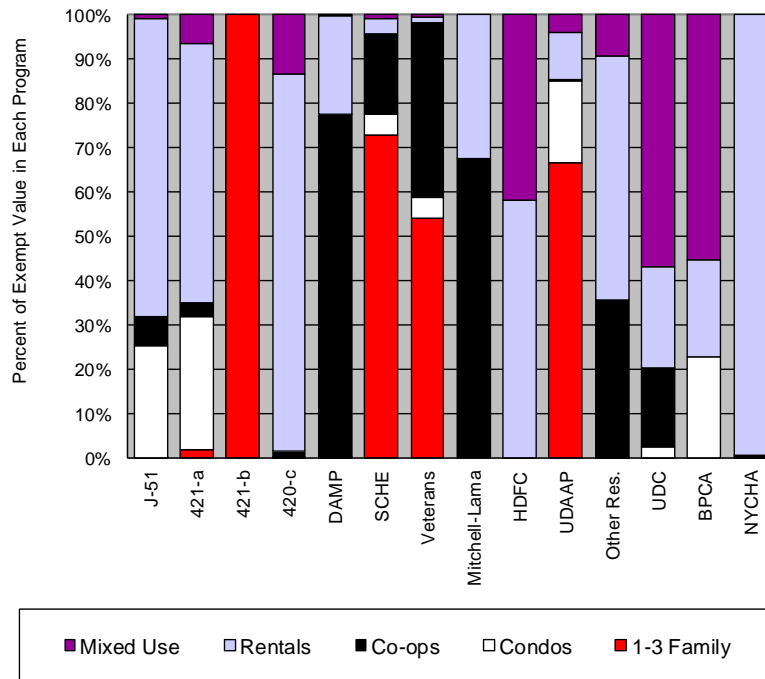
- 1-3 family homes are counted as one unit receiving the exemption or abatement;
- For veterans and SCHE exemption programs, rentals and mixed-use parcels are counted as one unit receiving the exemption.

FISCAL YEAR 2017

Distribution of Units with Exemptions by Program and Building Type



Distribution of Exempt Value by Program and Building Type



Appendices

CITY PROGRAMS

Distribution of Exemptions and Abatements by Borough and Property Type Fiscal Year 2017 (\$ Millions)

J-51

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
Exemptions							
1-3 FAMILY	Number of Units	153	26	12	113	2	0
	Exempt AV	1.97	0.56	0.15	1.20	0.06	0.00
	Taxable AV	1.83	0.55	0.11	1.17	0.00	0.00
CONDOS	Number of Units	19,038	1,280	12,371	5,021	366	0
	Exempt AV	403.34	76.00	144.91	168.29	14.14	0.00
	Taxable AV	199.75	31.16	68.68	97.32	2.60	0.00
CO-OPS	Number of Units	9,909	1,229	3,182	872	4,626	0
	Exempt AV	102.39	33.51	14.48	10.49	43.92	0.00
	Taxable AV	132.61	18.40	38.04	12.84	63.32	0.00
RENTALS	Number of Units	78,590	19,506	35,858	17,977	3,949	1,300
	Exempt AV	1,072.02	433.27	341.65	226.14	50.07	20.88
	Taxable AV	756.15	286.39	204.89	193.86	59.62	11.39
MIXED USE	Number of Units	577	112	36	428	0	1
	Exempt AV	11.01	3.11	0.74	7.16	0.00	0.00
	Taxable AV	9.78	2.84	0.45	6.47	0.00	0.01
ALL	Number of Units	108,267	22,153	51,459	24,411	8,943	1,301
	Exempt AV	1,590.72	546.45	501.92	413.28	108.18	20.89
	Taxable AV	1,100.12	339.34	312.17	311.65	125.55	11.41
Abatements							
1-3 FAMILY	Number of Units	411	62	63	206	80	0
	Total Abatement	0.41	0.10	0.03	0.25	0.02	0.00
CONDOS	Number of Units	26,621	5,306	12,103	6,784	2,122	306
	Total Abatement	13.95	1.98	5.63	5.97	0.37	0.01
CO-OPS	Number of Units	171,397	34,036	32,324	34,588	70,184	265
	Total Abatement	19.19	4.39	4.22	3.52	7.02	0.03
RENTALS	Number of Units	202,477	46,190	53,885	64,966	34,835	2,601
	Total Abatement	47.32	13.90	14.23	14.85	3.29	1.04
MIXED USE	Number of Units	741	116	74	532	16	3
	Total Abatement	0.86	0.19	0.08	0.58	0.01	0.00
ALL	Number of Units	401,647	85,710	98,449	107,076	107,237	3,175
	Total Abatement	81.73	20.56	24.20	25.16	10.72	1.09

Distribution of Exemptions by Borough and Property Type
Fiscal Year 2017
(\$ Millions)

421-a

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
1-3 FAMILY	Number of Units	8,965	35	2,162	4,103	2,564	101
	Exempt AV	188.83	0.26	33.02	88.17	66.20	1.17
	Taxable AV	75.31	0.29	11.21	31.67	31.61	0.53
CONDOS	Number of Units	50,041	17,796	835	21,781	9,543	86
	Exempt AV	3,071.14	1,321.70	33.47	1,181.60	531.42	2.95
	Taxable AV	1,878.00	1,672.07	2.39	157.59	45.79	0.16
CO-OPS	Number of Units	5,592	2,942	787	1,051	738	74
	Exempt AV	321.07	213.83	19.94	56.62	26.85	3.83
	Taxable AV	56.59	45.38	1.38	5.74	4.00	0.09
MIXED USE	Number of Units	12,428	1,447	296	5,951	4,602	132
	Exempt AV	670.47	409.08	20.71	121.45	112.72	6.50
	Taxable AV	404.22	344.24	2.96	16.44	40.19	0.40
RENTALS	Number of Units	94,083	42,715	12,763	23,603	13,970	1,032
	Exempt AV	5,985.69	3,557.96	319.90	1,377.72	717.97	12.15
	Taxable AV	1,222.48	1,009.08	20.33	121.34	69.70	2.03
ALL	Number of Units	171,109	64,935	16,843	56,489	31,417	1,425
	Exempt AV	10,237.21	5,502.83	427.05	2,825.57	1,455.16	26.59
	Taxable AV	3,636.61	3,071.07	38.26	332.79	191.29	3.20

Appendices

Distribution of Exemptions by Borough and Property Type Fiscal Year 2017 (\$ Millions)

421-b

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
1-3 FAMILY	Number of Units	350	1	31	68	96	154
	Exempt AV	1.82	0.01	0.15	0.45	0.57	0.64
	Taxable AV	13.12	0.16	0.89	3.32	3.89	4.86
CONDOS	Number of Units	0	0	0	0	0	0
	Exempt AV	0.00	0.00	0.00	0.00	0.00	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
MIXED USE	Number of Units	0	0	0	0	0	0
	Exempt AV	0.00	0.00	0.00	0.00	0.00	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
RENTALS	Number of Units	0	0	0	0	0	0
	Exempt AV	0.00	0.00	0.00	0.00	0.00	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
ALL	Number of Units	350	1	31	68	96	154
	Exempt AV	1.82	0.01	0.15	0.45	0.57	0.64
	Taxable AV	13.12	0.16	0.89	3.32	3.89	4.86

Distribution of Exemptions by Borough and Property Type
Fiscal Year 2017
(\$ Millions)

Division of Alternative Management Programs

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
1-3 FAMILY	Number of Units	6	4	0	0	2	0
	Exempt AV	0.04	0.02	0.00	0.00	0.02	0.00
	Taxable AV	0.06	0.06	0.00	0.00	0.00	0.00
CO-OPS	Number of Units	15,722	9,120	3,230	3,307	65	0
	Exempt AV	237.10	169.40	25.71	41.10	0.88	0.00
	Taxable AV	158.23	95.08	30.08	32.41	0.66	0.00
RENTALS	Number of Units	4,840	2,207	2,187	446	0	0
	Exempt AV	67.63	52.93	10.45	4.24	0.00	0.00
	Taxable AV	36.61	22.96	9.96	3.69	0.00	0.00
MIXED USE	Number of Units	33	18	0	15	0	0
	Exempt AV	0.69	0.50	0.00	0.20	0.00	0.00
	Taxable AV	0.50	0.24	0.00	0.26	0.00	0.00
ALL	Number of Units	20,601	11,349	5,417	3,768	67	0
	Exempt AV	305.45	222.86	36.16	45.54	0.90	0.00
	Taxable AV	195.38	118.30	40.04	36.36	0.67	0.00

Appendices

Distribution of Exemptions by Borough and Property Type Fiscal Year 2017 (\$ Millions)

420-c

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
1-3 FAMILY	Number of Units	85	1	6	77	1	0
	Exempt AV	1.80	0.03	0.09	1.65	0.02	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
CONDOS	Number of Units	0	0	0	0	0	0
	Exempt AV	0.00	0.00	0.00	0.00	0.00	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
CO-OPS	Number of Units	877	106	501	270	0	0
	Exempt AV	27.22	9.44	9.87	7.91	0.00	0.00
	Taxable AV	0.02	0.01	0.01	0.00	0.00	0.00
MIXED USE	Number of Units	2,675	466	869	1,149	174	17
	Exempt AV	221.91	75.20	47.55	78.29	19.69	1.18
	Taxable AV	4.83	3.74	0.03	1.06	0.00	0.00
RENTALS	Number of Units	52,449	16,725	18,691	13,818	2,280	935
	Exempt AV	1,422.04	577.99	343.80	389.18	77.94	33.13
	Taxable AV	15.33	9.14	2.61	2.89	0.64	0.06
ALL	Number of Units	56,086	17,298	20,067	15,314	2,455	952
	Exempt AV	1,672.97	662.66	401.31	477.04	97.65	34.32
	Taxable AV	20.18	12.89	2.65	3.95	0.64	0.06

Distribution of Exemptions by Borough and Property Type
Fiscal Year 2017
(\$ Millions)

Senior Citizen Homeowner Exemption

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
1-3 FAMILY	Number of Units	40,790	78	3,737	11,828	18,601	6,546
	Exempt AV	526.02	2.44	40.47	156.55	255.31	71.25
	Taxable AV	483.30	2.34	43.53	135.23	241.99	60.22
CONDOS	Number of Units	1,648	537	182	173	634	122
	Exempt AV	33.38	20.51	0.77	2.37	8.68	1.04
	Taxable AV	30.99	21.65	0.21	1.85	6.69	0.59
CO-OPS	Number of Units	9,261	1,840	607	2,158	4,553	103
	Exempt AV	131.06	53.44	4.33	24.88	47.71	0.69
	Taxable AV	11,367.05	7,789.37	369.37	956.27	2,227.90	24.15
MIXED USE	Number of Units	385	6	28	216	116	19
	Exempt AV	6.89	0.26	0.44	3.73	2.28	0.18
	Taxable AV	7.96	0.40	0.53	4.48	2.42	0.13
RENTALS	Number of Units	703	34	63	421	177	8
	Exempt AV	24.76	1.33	2.36	13.30	7.51	0.25
	Taxable AV	31.87	3.52	3.13	16.29	8.70	0.23
ALL	Number of Units	52,787	2,495	4,617	14,796	24,081	6,798
	Exempt AV	722.10	77.99	48.37	200.84	321.50	73.40
	Taxable AV	11,921.18	7,817.29	416.77	1,114.11	2,487.69	85.32

Appendices

Distribution of Exemptions by Borough and Property Type Fiscal Year 2017 (\$ Millions)

Veterans

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
1-3 FAMILY	Number of Units	37,518	153	3,160	8,301	15,523	10,381
	Exempt AV	193.73	0.82	15.67	43.24	80.34	53.66
	Taxable AV	737.26	17.45	60.34	162.95	323.66	172.85
CONDOS	Number of Units	1,079	544	72	65	275	123
	Exempt AV	15.97	12.41	0.47	0.52	1.94	0.64
	Taxable AV	66.00	57.33	0.87	1.35	5.15	1.29
CO-OPS	Number of Units	13,189	4,504	835	1,834	5,874	142
	Exempt AV	141.55	90.99	3.44	10.90	35.74	0.49
	Taxable AV	14,772.28	11,649.81	324.97	901.62	1,872.48	23.41
MIXED USE	Number of Units	235	25	13	114	61	22
	Exempt AV	1.24	0.19	0.06	0.58	0.30	0.11
	Taxable AV	13.32	6.44	0.27	4.53	1.70	0.38
RENTALS	Number of Units	385	36	35	235	68	11
	Exempt AV	4.81	0.56	0.38	2.67	1.03	0.16
	Taxable AV	30.48	8.11	2.46	14.34	4.95	0.62
ALL	Number of Units	52,406	5,262	4,115	10,549	21,801	10,679
	Exempt AV	357.30	104.96	20.01	57.91	119.35	55.07
	Taxable AV	15,619.34	11,739.14	388.91	1,084.80	2,207.94	198.55

Note: A unit receiving more than one type of veterans' exemption is counted once in this table.

**Distribution of Abatements by Borough and Property Type
Fiscal Year 2017
(\$ Millions)**

Class Two Cooperative and Condominium Partial Tax Abatement

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
CONDOS	Number of Units	49,602	36,121	578	3,861	7,417	1,625
	Abatement	112.65	99.82	0.60	4.23	6.96	1.05
COOPS	Number of Units	239,065	116,939	12,678	38,227	69,920	1,301
	Abatement	374.10	273.26	9.04	33.95	57.21	0.65
ALL	Number of Units	288,667	153,060	13,256	42,088	77,337	2,926
	Abatement	486.76	373.07	9.64	38.17	64.17	1.69

Appendices

STATE PROGRAMS

Distribution of Exemptions by Borough and Property Type
Fiscal Year 2017
(\$ Millions)

Limited-Profit/Mitchell-Lama (Residential Only)

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
CO-OPS	Number of Units	59,999	14,815	23,383	10,865	10,936	0
	Exempt AV	1,746.40	735.15	425.40	297.15	288.69	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
RENTALS	Number of Units	36,160	5,772	14,186	13,360	1,852	990
	Exempt AV	832.73	330.63	158.61	290.59	37.91	14.99
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
ALL	Number of Units	96,159	20,587	37,569	24,225	12,788	990
	Exempt AV	2,579.13	1,065.78	584.01	587.74	326.61	14.99
	Taxable AV	0.02	0.00	0.00	0.00	0.02	0.00

Distribution of Exemptions by Borough and Property Type
Fiscal Year 2017
(\$ Millions)

Housing Development Fund Companies

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
1-3 FAMILY	Number of Units	11	0	3	8	0	0
	Exempt AV	0.28	0.00	0.03	0.25	0.00	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
CO-OPS	Number of Units	0	0	0	0	0	0
	Exempt AV	0.00	0.00	0.00	0.00	0.00	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
MIXED USE	Number of Units	2,507	322	1,075	525	440	145
	Exempt AV	278.75	97.21	84.65	59.39	29.43	8.07
	Taxable AV	0.28	0.00	0.00	0.28	0.00	0.00
RENTALS	Number of Units	13,726	3,290	3,557	5,269	1,083	527
	Exempt AV	387.01	142.58	68.70	128.63	31.51	15.59
	Taxable AV	3.52	1.10	0.00	0.00	0.00	2.42
ALL	Number of Units	16,244	3,612	4,635	5,802	1,523	672
	Exempt AV	666.05	239.79	153.38	188.28	60.94	23.66
	Taxable AV	3.80	1.10	0.00	0.28	0.00	2.42

Appendices

Distribution of Exemptions by Borough and Property Type Fiscal Year 2017 (\$ Millions)

Urban Development Action Area Projects

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
1-3 FAMILY	Number of Units	7,502	531	1,657	3,990	1,293	31
	Exempt AV	86.87	8.62	14.61	45.48	17.95	0.21
	Taxable AV	108.55	14.26	24.99	55.64	13.38	0.28
CONDOS	Number of Units	636	242	8	131	255	0
	Exempt AV	24.15	6.87	0.23	5.96	11.09	0.00
	Taxable AV	13.68	11.32	0.00	1.41	0.94	0.00
CO-OPS	Number of Units	17	0	0	17	0	0
	Exempt AV	0.50	0.00	0.00	0.50	0.00	0.00
	Taxable AV	0.05	0.00	0.00	0.05	0.00	0.00
RENTALS	Number of Units	1,000	526	131	329	14	0
	Exempt AV	13.98	10.31	1.34	2.03	0.29	0.00
	Taxable AV	9.63	5.91	0.71	2.84	0.16	0.00
MIXED USE	Number of Units	418	26	26	220	146	0
	Exempt AV	4.95	0.62	0.30	3.20	0.83	0.00
	Taxable AV	4.77	1.07	0.39	2.83	0.48	0.00
ALL	Number of Units	9,573	1,325	1,822	4,687	1,708	31
	Exempt AV	130.44	26.42	16.48	57.17	30.16	0.21
	Taxable AV	136.68	32.56	26.10	62.77	14.97	0.28

Distribution of Exemptions by Borough and Property Type
Fiscal Year 2017
(\$ Millions)

Other Residential

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
1-3 FAMILY	Number of Units	11	0	6	4	1	0
	Exempt AV	0.14	0.00	0.03	0.09	0.02	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
CO-OPS	Number of Units	11,816	5,049	1,486	2,875	2,406	0
	Exempt AV	491.01	306.07	25.35	73.31	86.28	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
RENTALS	Number of Units	21,632	5,936	7,398	5,585	2,609	104
	Exempt AV	759.54	355.62	173.66	163.06	64.69	2.50
	Taxable AV	3.87	0.00	0.27	3.58	0.02	0.00
MIXED USE	Number of Units	248	81	0	166	1	0
	Exempt AV	126.48	59.52	28.31	30.18	8.47	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
ALL	Number of Units	33,707	11,066	8,890	8,630	5,017	104
	Exempt AV	1,377.17	721.21	227.35	266.64	159.46	2.50
	Taxable AV	3.87	0.00	0.27	3.58	0.02	0.00

Note: This table includes Limited-Dividend Housing Companies, Redevelopment Companies and Miscellaneous State-Assisted Housing programs.

Appendices

PUBLIC AGENCIES

Distribution of Exemptions by Borough and Property Type

Fiscal Year 2017

(\$ Millions)

NYC Housing Authority (Residential Only)

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
1-3 FAMILY	Number of Units	384	0	23	152	209	0
	Exempt AV	7.16	0.00	0.29	3.05	3.82	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
CO-OPS	Number of Units	921	181	224	300	216	0
	Exempt AV	27.09	11.59	4.52	6.23	4.75	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
RENTALS	Number of Units	229,315	57,008	88,310	60,933	18,560	4,504
	Exempt AV	4,910.73	2,342.97	827.95	1,240.73	424.23	74.85
	Taxable AV	0.06	0.00	0.00	0.06	0.00	0.00
ALL	Number of Units	230,620	57,189	88,557	61,385	18,985	4,504
	Exempt AV	4,944.98	2,354.56	832.77	1,250.01	432.80	74.85
	Taxable AV	0.06	0.00	0.00	0.06	0.00	0.00

Distribution of Exemptions by Borough and Property Type
Fiscal Year 2017
(\$ Millions)

Urban Development Corporation

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
1-3 FAMILY	Number of Units	3	0	1	2	0	0
	Exempt AV	0.04	0.00	0.02	0.02	0.00	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
CONDOS	Number of Units	753	569	0	0	184	0
	Exempt AV	68.60	54.36	0.00	0.00	14.24	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
COOPS	Number of Units	9,305	8,783	0	0	522	0
	Exempt AV	492.52	469.26	0.00	0.00	23.26	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
MIXED USE	Number of Units	58	35	3	15	4	1
	Exempt AV	1,560.60	934.10	12.26	598.45	6.80	8.99
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
RENTALS	Number of Units	7,652	2,452	0	1,209	3,991	0
	Exempt AV	622.87	192.61	0.00	5.01	425.25	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
ALL	Number of Units	17,771	11,839	4	1,226	4,701	1
	Exempt AV	2,744.62	1,650.33	12.28	603.48	469.54	8.99
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00

Appendices

Distribution of Exemptions by Borough and Property Type
Fiscal Year 2017
(\$ Millions)

Battery Park City Authority

		Citywide	Manhattan	Bronx	Brooklyn	Queens	Staten Island
CONDOS	Number of Units	3,750	3,750	0	0	0	0
	Exempt AV	588.40	588.40	0.00	0.00	0.00	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
MIXED USE	Number of Units	67	67	0	0	0	0
	Exempt AV	1,424.73	1,424.73	0.00	0.00	0.00	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
RENTALS	Number of Units	4,525	4,525	0	0	0	0
	Exempt AV	566.36	566.36	0.00	0.00	0.00	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00
ALL	Number of Units	8,342	8,342	0	0	0	0
	Exempt AV	2,579.49	2,579.49	0.00	0.00	0.00	0.00
	Taxable AV	0.00	0.00	0.00	0.00	0.00	0.00

APPENDIX IV

NYC ECONOMIC DEVELOPMENT PROGRAMS

Please refer to program descriptions elsewhere in this report for further details. Tax expenditure amounts provided below are net of PILOTs, where applicable, and are shown in millions. Expenditures denoted as “n/a” are not available.

Program	Tax Expenditure
Air Pollution Control Facilities Deduction.....	n/a
Aviation Fuel Sold to Airlines Sales Tax Exemption.....	\$225
Biotechnology Credit.....	\$2
Business and Investment Capital Tax Limitation.....	\$325
Commercial Expansion/Lower Manhattan Revitalization Program	
Industrial and Commercial Incentive/Abatement Program (ICIP/ICAP).....	\$734
Real Property Tax Abatement.....	\$18
Special Reduction Benefit for Leases.....	\$8
Garment Center Exemption.....	< \$1
Relocation and Employment Assistance Program (REAP).....	\$28
Conversion of Real Property to Residential Use.....	\$62
Energy Cost Savings Program (LMEP).....	\$17
Cooper Union/Chrysler Building.....	\$29
Dramatic or Musical Arts Performance Exemption.....	< \$1
Economic Development Corporation (EDC).....	\$278
Employment Opportunity Relocation Cost Credit/Industrial Business Zone Credit...	\$0
Energy Cost Savings Program Credit (ECSP).....	\$25
Industrial Development Agency (IDA).....	\$262
Insurance Corporation Non-taxation.....	\$460
Interior Design and Decorating Services Sales Tax Exemption.....	\$17
International Banking Facility Deduction.....	\$21
Lower Manhattan Commercial Office Space Sales Tax Exemption.....	\$14
Major League Sports Facilities, Madison Square Garden.....	\$42
New York Power Authority.....	\$107
Owner, Lessee or Fiduciary that Holds, Leases or Manages Real Property.....	n/a
Purchase and Sale of Property or Financial Instruments for Taxpayer's Own Account.....	n/a
Real Estate Investment Trusts (REITs).....	< \$1
Real Property Tax Escalation Credit.....	\$0
Single Sales Factor.....	\$227
Small Corporation Exemption from Alternative Taxes.....	n/a
Special Allocation Rule: Regulated Investment Company (RIC) Management Fees.....	\$35
Special Allocation Rules.....	n/a
Teleport Center, Port Authority of NY and NJ.....	\$11
Trust for Cultural Resources of the City of NY, Museum of Modern Art.....	\$18
Urban Development Corporation (commercial only).....	\$165
World Trade Center, Port Authority of NY and NJ.....	\$116
Total	\$3,246

Includes only sales tax provisions for which DOF methodologies were used to estimate the cost.

Appendices

APPENDIX V

PARCELS WITH EXEMPTIONS OF AT LEAST \$5 MILLION TAX CLASSES 3 AND 4 FISCAL YEAR 2017

Boro	Block	Lot	Street Address	TC	Owner*	Program	Gross Tax Expenditure (millions)
1	58	1	185 Greenwich Street 10007	4	The Port Authority Of NY & NJ	WTC Port Authority	\$137.4
2	2493	1	1 East 161 Street 10451	4	Dept Of Parks And Recreation	IDA	\$98.1
1	995	33	1111 Avenue Of The Americas 10036	4	One Bryant Park	EDC	\$81.6
1	680	1	360 West Street 10014	4	New York Convention C	NYS UDC	\$64.3
4	1787	20	123-01 Roosevelt Avenue 11368	4	Citifield	IDA	\$63.4
3	1118	1	620 Atlantic Avenue 11217	4	Arena Nominee Sub B,	NYS UDC	\$61.3
4	72166	2	18-25 20 Avenue 11105	3	NYS Power Authority	NYS Power Authority	\$44.7
1	781	9001	420 8 Avenue 10001	4	MSG Arena, LLC	Madison Square Garden	\$42.0
1	995	5	1472 Broadway 10036	4	The City Of New York	EDC	\$35.8
1	16	260	200 West Street 10282	4	Goldman Sachs Headquarters	Battery Park City Auth.	\$33.5
1	994	1	1451 Broadway 10036	4	The City Of New York	EDC	\$32.0
4	72766	19	1710 Steinway Street 11105	4	Astoria Energy	ICIP	\$30.7
1	1013	29	592 7 Avenue 10036	4	The City Of New York	EDC	\$29.5
1	84	36	7 World Trade Center 10007	4	The City Of New York	WTC Port Authority	\$27.8
4	72766	15	1710 Steinway Street 11105	4	Astoria Energy	ICIP	\$24.3
1	1014	33	3 Times Square 10036	4	The City Of New York	EDC	\$23.2
1	1297	23	395 Lexington Avenue 10017	4	405 Lexington, LLC	Chrysler Bldg Cooper Union	\$23.0
1	16	150	250 Vesey Street 10281	4	WFP Tower D Co LP	Battery Park City Auth.	\$21.8
1	16	125	225 Liberty Street 10280	4	WFP Tower B Co LP	Battery Park City Auth.	\$21.4
1	16	140	200 Vesey Street 10281	4	American Express Co	Battery Park City Auth.	\$20.5
4	72767	12	3103 20 Avenue 11105	4	NYS Power Authority	NYS Power Authority	\$18.6
1	1280	30	109 East 42 Street 10017	4	Hyatt Equities	NYS UDC	\$17.8
1	70356	339	230 Avenue C 10009	3	Con Edison Co of NY	ICIP	\$16.1
1	16	120	200 Liberty Street 10281	4	WFP Tower A Co. G.P.	Battery Park City Auth.	\$15.5
4	72757	1	37-20 37 Avenue 11101	4	TC Ravenswood LLC	ICIP	\$14.5
1	962	1202	430 East 29 Street 10010	4	<i>not available</i>	EDC	\$14.4
1	962	1201	430 East 29 Street 10010	4	<i>not available</i>	EDC	\$11.9
4	72766	18	1710 Steinway Street 11105	4	Astoria Energy	ICIP	\$10.0
1	1283	21	270 Park Avenue 10017	4	Manufacturers Hanover	ICIP	\$9.3
4	2080	1001	61-01 Junction Boulevard 11374	4	<i>not available</i>	ICIP	\$9.2
1	16	1301	102 North End Avenue 10282	4	<i>not available</i>	Battery Park City Auth.	\$8.8
3	82532	2	652 Kent Avenue 11251	4	Brooklyn Navy Yard Cogen Partners	IDA	\$8.5
3	147	4	351 Jay Street 11201	4	Forest City Jay Street	EDC	\$8.4
3	2047	40	115 Myrtle Avenue 11201	4	Forest City Myrtle As	EDC	\$8.1
1	1013	9012	234 West 42 Street 10036	4	Sunstone 42nd Street	EDC	\$7.7
2	2583	30	900 East 132 Street 10454	4	New York City Industr	IDA	\$7.4
4	72166	111	18-25 20 Avenue 11105	4	NYS Power Authority	NYS Power Authority	\$7.3
1	16	225	1 North End Avenue 10281	4	Bop One North End LLC	Battery Park City Auth.	\$6.7
2	70356	655	415 Bruckner Boulevard 10454	3	Con Edison Co of NY	ICIP	\$6.7
2	2357	35	610 Exterior Street 10451	4	The City Of New York	EDC	\$6.5
1	1716	8	520 East 117 Street 10035	4	Tiago Holdings, LLC	ICIP	\$6.4
4	420	1001	42-01 28 Street 11101	4	Hr Gotham Tower LP	ICIP	\$6.2
2	70356	650	415 Bruckner Boulevard 10454	4	Con Edison Co of NY	ICIP	\$6.0
1	554	35	51 Astor Place 10003	4	Cooper Union For The	Chrysler Bldg Cooper Union	\$5.9
1	1015	1001	229 West 43 Street 10036	4	Oakwood NYT Owner, LLC	ICIP	\$5.9
2	5141	6	546 Fifth Avenue 15th Fl. 10036	4	Mall 1 - Bay Plaza, LLC	ICAP	\$5.9

(continued)

Appendices

Boro	Block	Lot	Street Address	TC	Owner*	Program	Gross Tax Expenditure (millions)
1	1262	1798	50 West 47 Street 10036	4	55W46 Condo Owner LLC	IDA	\$5.8
1	16	9002	2 West Street 10280	4	MPE Hotel I LLC	Battery Park City Auth.	\$5.5
1	1013	12	234 West 42 Street 10036	4	The City Of New York	EDC	\$5.2
2	72736	201	910 East 134 Street 10454	3	NYS Power Authority	NYS Power Authority	\$5.2
2	72736	202	Harlem River Yard 10454	3	NYS Power Authority	NYS Power Authority	\$5.2
3	72736	21	730 3 Avenue 11232	3	NYS Power Authority	NYS Power Authority	\$5.2
4	72736	11	42-30 Vernon Boulevard 11101	3	NYS Power Authority	NYS Power Authority	\$5.2
1	994	1103	1466 Broadway 10036	4	FCH HH Knickerbocker Owner, LP	ICAP	\$5.2
1	994	1001	1095 Avenue Of The Americas 10036	4	3 BP REIT	ICIP	\$5.1
4	72766	16	1710 Steinway Street 11105	4	Astoria Energy	ICIP	\$5.0

*Owner shown is per Department of Finance's public records. The owner may or may not be the beneficiary of the tax expenditure.

Appendices

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Key to Tax Abbreviations:

BCT	Banking Corporation Tax
CRT	Commercial Rent Tax
CORP	Corporate Tax of 2015
GCT	General Corporation Tax
MRT	Mortgage Recording Tax
PIT	Personal Income Tax
RPT	Real Property Tax
RPTT	Real Property Transfer Tax
STX	Sales and Use Tax
UBT	Unincorporated Business Tax
UTX	Utility Tax

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