

New York City Department of Finance

Notice of Adoption of Final Rules

Pursuant to the authority vested in the New York City Department of Finance (“DOF”) in accordance with sections 1043(a) and 1504 of the New York City Charter, and Local Law number 52 for the year 2024, DOF is adopting a rule to repeal the now unnecessary rules regarding the standards and requirements for Tax Clearance Certificates and to revise DOF’s obligations regarding the publication of guidance regarding the City’s Senior Citizen Rent Increase Exemption and Disability Rent Increase Exemption rent freeze programs. These rules were published on August 9, 2024. A hearing for public comment was held on September 13, 2024. These rules will go into effect 30 days after their publication in the City Record, pursuant to section 1043(f) of the Charter.

Statement of Basis and Purpose

The New York City Department of Finance (“DOF”) is adopting the following rule change pursuant to the powers set forth in New York City Charter §§ 1043(a) and 1504.

Section one of this rule repeals Chapter 20 of Title 19 of the Rules of the City of New York in order to implement Local Law number 52 for the year 2024. Local Law number 52 for the year 2024 repealed New York City Administrative Code §§ 17-310 and 20-457. NYC Administrative Code § 17-310 previously obligated DOF to promulgate rules establishing standards for determining if the occupation of a food vendor licensee was considered full-time or part-time, and the minimum required payment of applicable sales and business taxes to receive a tax clearance certificate. NYC Administrative Code § 20-457 obligated DOF to promulgate such standards and the required minimum payment of sales and business taxes for general vendors.

With the repealing of Administrative Code § 17-310, a tax clearance certificate from DOF is no longer required to obtain a food vendor license or permit from the New York City Department of Health and Mental Hygiene. With the repeal of Administrative Code § 20-457, a tax clearance certificate from the DOF is no longer required in order to obtain a general vendor license from the New York City Department of Consumer and Worker Protection.

Section one of this rule repeals the DOF rules to reflect that DOF tax clearance certificate standards are no longer required due to the repeal of Administrative Code §§ 17-310 and 20-457.

Section two of this rule repeals and replaces outdated and unnecessary rule provisions in 19 RCNY § 52-09(c)(3). These provisions provide additional explanation regarding Real Property Tax Law § 467-b(1)(c)(ii)(B), which implements the income eligibility provisions of the City’s Senior Citizen Rent Increase Exemption and Disability Rent Increase Exemption rent freeze programs (“SCRIE/DRIE”). Real Property Tax Law § 467-b(1)(c)(ii)(B) requires that income include “increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year[.]” This rule amends a provision that provides guidance for taxpayers to determine whether social security benefits or pension increases exceed the applicable consumer price index for the applicable year. Because this guidance primarily relates to the years 2016 through 2020, it is outdated or unnecessary. Section two of this proposed rule change accordingly repeals §52-

09(c)(3) and replaces it with a new paragraph requiring that income include increases in benefits, without the unnecessary guidance provisions in the existing rule. During the hearing, one commenter expressed general approval for the rule but also expressed concern about potential SCRIE/DRIE policy changes; however, this concern is unrelated to the substance of section two of this rule, which has a narrow effect only on the publication of guideline materials.

Rule Amendment

Section 1. Chapter 20 of Title 19 of the Rules of the City of New York, relating to peddler license renewals, is REPEALED.

Section 2. Paragraph (3) of subdivision (c) of section 52-09 of Title 19 of the Rules of the City of New York, relating to calculating increases in income for individuals receiving senior citizen rent increase exemption and disability rent increase exemption program benefits, is REPEALED, and a new paragraph (3) is added, to read as follows:

(3) increases in benefits accorded pursuant to the Social Security Act or a public or private pension paid to any member of the household, which increase, in any given year, does not exceed annual average (i.e. December of one year to December of the next year) consumer price index (all items United States city average) ("CPI") for such year which take effect after the date of eligibility of a head of the household receiving benefits hereunder whether received by the head of the household or any other member of the household.