



**Department of
Housing Preservation
& Development**

Office of Development, Division of Housing Incentives

100 Gold Street, Section 8-D07

New York, NY 10038

(212) 863-6603

nyc.gov/hpd

420-c – TAX INCENTIVE PROGRAMS

Application for Certification of Eligibility for Real Property Tax Exemption under
Section 420-c of the Real Property Tax Law of the State of New York

1. Applicant Information

Legal Owner: _____		EIN/TIN: _____	
House #: _____	Street: _____	City: _____	State: _____ Zip: _____
Contact Name: _____		Phone/Fax: _____ / _____	
Sponsor: _____		EIN/TIN: _____	
House #: _____	Street: _____	City: _____	State: _____ Zip: _____
Contact Name: _____		Phone/Fax: _____ / _____	
Representative (firm): _____		Email: _____	
House #: _____	Street: _____	City: _____	State: _____ Zip: _____
Contact Name: _____		Phone/Fax: _____ / _____	

2. Project Information

Project Name: _____		Total Class A Units: _____		Total Class B Units: _____													
Total Buildings: _____ If more than 1 building, please list all buildings on the Building Information Table on page 2																	
New or Rehab?		House #		Street													
Borough		Block		Lot & (Former lots)													
List the number of units in this building reserved for each AMI level and superintendents		0-30 % AMI	31-40 % AMI	41-50 % AMI	51-60 % AMI	61-70 % AMI	71-80 % AMI	81-90 % AMI	91-100 % AMI	101-110 % AMI	111-120 % AMI	121-130 % AMI	131-140 % AMI	141-150 % AMI	151-160 % AMI	161-165 % AMI	Super's Unit(s)

3. Other Tax Benefits

Have real estate tax exemption/abatement benefits been granted, or is an application for such benefits pending for the property?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IF YES, check one: <input type="checkbox"/> 421-a <input type="checkbox"/> UDAAP <input type="checkbox"/> 420-a <input type="checkbox"/> Art. XI <input type="checkbox"/> J-51 <input type="checkbox"/> Other: _____	
IF YES, is project currently subject to a PILOT payment?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Owner agrees that any such benefits will be revoked, or any application for such benefits will be withdrawn, if a 420-c Certificate of Eligibility is issued?	<input type="checkbox"/> YES <input type="checkbox"/> NO

4. Declaratory Ruling

<input type="checkbox"/> Declaratory Ruling No. _____ dated _____ is attached OR <input type="checkbox"/> Private opinion obtained OR <input type="checkbox"/> None issued	
If applicable, does this Ruling still accurately describe the project? <input type="checkbox"/> YES <input type="checkbox"/> NO (If NO, attach a separate sheet listing changes.)	

For 420-c Program use only	DOCKET NUMBER	HPD STAMP

420-c BUILDING INFORMATION

**Complete this page if project comprises more than one building
(Attach additional sheets as needed)**

For internal use — Docket #

Name OR Principal Address of Project: _____

Addendum Page # _____ of _____
Total

Provide details for all buildings in project and calculate totals at the bottom:

Address	New or Rehab?	Boro	Block	Lot (former lots)	Total Units		Super's Unit(s)	% AMI																		
					Class A	Class B		0-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	101-110	111-120	121-130	131-140	141-150	151-160	161-165				
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10.				()																						
Column Totals:					Class A	Class B	Super's	0-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	101-110	111-120	121-130	131-140	141-150	151-160	161-165				

5. Tax Credit Status

Allocation by: NY City/HPD or NY State/DHCR or NY State/HFA or Other Housing Credit Agency of Federal Low Income Housing Tax Credits pursuant to Section 42 of the Internal Revenue Code.

Copies of the following documents evidencing this allocation are attached to this application:

- Credit Reservation dated _____ Carryover Allocation dated _____
 IRS FORM 8609 dated _____ Confirmation of tax credit use from the tax credit agency

(If not attached, IRS Form 8609 must be submitted within 36 months of this application.)

6. Regulatory Agreement

Regulatory Agreements with a government entity must restrict the use of the real property to housing accommodations for persons or families of low income, and impose the rental and occupancy restrictions established by Section 42 of the Internal Revenue Code. A Payment in Lieu of Taxes (PILOT) may also be required. Please attach the following:

- Regulatory Agreement dated _____ with _____ (govt. agency and program)
 Stamped as filed
 At least _____% of dwelling units are subject to the rental & occupancy restrictions established by Section 42 of the Internal Revenue Code.

Agency Contact Name: _____ Phone: _____ Email: _____

- There are _____ (no.) additional Regulatory Agreements listed and described separately as follows:

- Stamped as filed

7. Financial Documentation

- Finalized underwriting, including:
 Sources & uses Development budget Maintenance & operating expenses
 Rent schedules Debt service
- Funding & Disbursement Agreement (if available)
 Financial audits for last three years (if available)
 Project-based subsidy contracts and commitment letters (if requested)

8a. Ownership Structure (refer to *Definition of Eligible Entity Addendum* on p. 6)

Please include: Current organization chart; and
 Organization charts covering any previous ownership structures during the exemption period (if applicable)

Eligible Entity with management control of project:

- Limited Partnership ("LP") Limited Liability Company ("LLC") Other corporation or partnership

Exact Legal Name: _____

This entity holds:

- both legal and beneficial title under attached deed dated _____; or
 beneficial title only under attached nominee agreement dated _____; or
 both legal and beneficial leasehold interest for _____ years (30 years minimum) under attached lease dated _____; or
 beneficial leasehold interest only under attached lease and nominee agreement dated _____.

- General Partner(s) ("GP") or Managing Member ("MM") (if applicable)

Exact Legal Name: _____

Is this entity the sole GP or MM? YES NO (if NO, list others separately and describe)

- Charitable Organization holding _____% (min 50%) of the controlling interest in the GP or MM or Other corporation or partnership:

Exact Legal Name: _____

This Charitable Organization has:

- 501(c)(3) or (4) designation and low income housing purpose; or
 is wholly owned and wholly controlled by a 501(c)(3) or (4) Charitable Organization with low income housing purpose whose exact legal name is: _____

Legal Title Holder (if different from above):

- HDFC Other non-profit entity Other corporation, partnership, or LLC

Exact Legal Name: _____

- General Partner(s) ("GP") or Managing Member ("MM") (if applicable)

Exact Legal Name: _____

Is this entity the sole GP or MM? YES NO (if NO, list others separately and describe)

- Charitable Organization holding _____% (min 50%) of the controlling interest in the GP or MM or Other corporation or partnership:

Exact Legal Name: _____

This Charitable Organization has:

- 501(c)(3) or (4) designation and low income housing purpose; or
 is wholly owned and wholly controlled by a 501(c)(3) or (4) Charitable Organization with low income housing purpose whose exact legal name is: _____

8b. Ownership Structure

Attach the following documents to establish the ownership structure described above for both legal and beneficial owners if applicable:

For a Limited Partnership ("LP"), corporation or partnership attach:

- Certificate of incorporation or partnership listing the General Partner ("GP") stamped as filed.

For a Limited Liability Company ("LLC") attach:

- Articles of organization stamped as filed; and
 Operating agreement listing Managing Member ("MM").

If the GP or MM is corporation or partnership attach:

- Certificate of incorporation or partnership stamped as filed; and
 Stock or partnership certificate confirming that at least 50% of the controlling interest is held by a Charitable Organization.

If the GP or MM is an LLC attach:

- Articles of organization stamped as filed; and
 Operating agreement for the MM confirming that at least 50% of the controlling interest is held by a Charitable Organization.

For legal title holder under a nominee agreement such as an HDFC, attach documents for a:

- Corporation, partnership, or LLC as listed above; and/or
 Charitable Organization as listed below.

For a Charitable Organization attach:

- 501(c)(3) or (4) designation confirmation letter from the IRS; and
 Certificate of incorporation stamped as filed listing provision of housing accommodations for persons of low income as one of its purposes.

For a wholly owned Charitable Organization such as an HDFC that does not have 501(c)(3) or (4) designation attach:

- Certificate of incorporation stamped as filed that includes approved language for appointment of all directors by a Charitable Organization; and
 Documents listed above for the appointing Charitable Organization.

9. Certificate of Occupancy

Attach the Certificate of Occupancy ("CO") for each building, if available, and select the appropriate status below:

- Permanent CO; or
 Temporary CO that expires on _____; or
 CO not yet available, but expected by _____ (Please submit CO(s) once they are issued by the Dept. of Buildings)

10. Project Uses

If the Project includes more than dwelling units and public areas such as lobbies, stairs, hallways and mechanical spaces, please submit:

- A completed 420-c Space Allocation Addendum detailing the uses, location and dimensions of these areas.

If the Project is claiming 420-c "community facility use" space, please also submit either:

- A brief statement describing the proposed use of the community facility space(s); or
 If a temporary or permanent CO for the building is not yet available, submit an Architect Affidavit indicating that the proposed community facility uses are authorized under use groups 3 or 4 of the Zoning Resolution.

Verification

STATE OF NEW YORK)

) SS.:

COUNTY OF _____)

I, _____, being duly sworn, depose and say:

I am over the age of 18 years and reside at _____.

I am the _____ (title if applicable) of the _____ (owning entity)

which is the owner of the premises located at _____

_____, and I am duly authorized to sign this affidavit.

I prepared or caused the preparation of this application for a Certificate of Eligibility for said premises in order to secure tax exemption pursuant to §420-c of the New York State Real Property Tax Law as amended (“§420-c”). I hereby affirm that all the information submitted is true and accurate; that all the documentation supplied is accurate and complete; and that said premises conform to all requirements of §420-c and the Rules promulgated thereunder. I am aware that (i) portions of the Project which are not used as Housing Accommodations for Persons or Families of Low Income shall not receive §420-c benefits; (ii) if the ownership changes, I must apply for a revised Certificate of Eligibility or the § 420-c benefits will be revoked and (iii) if IRS Form 8609 has not been submitted as of the issuance of a §420-c Certificate of Eligibility, I must submit it within thirty-six (36) months of the initial filing date of this application.

Sworn to me this _____ day of _____, 20____

Notary Public

Affiant's Signature _____

Print Name _____

Title (if applicable) _____

Name of Legal Owning Entity _____

420-c DEFINITION OF ELIGIBLE ENTITY ADDENDUM

Definitions related to ownership established under the amended §420-c of the Real Property Tax Law. §420-c(3) and (4) pertain to applications to be approved after September 20, 2015.

Eligible Owner is defined in §420-c(4)(a)(6) as “one or more eligible entities that holds

- (i) legal and beneficial title to eligible real property, or
- (ii) a legal and beneficial leasehold interest with a term of not less than thirty years in eligible real property.”

Eligible Entity as defined in §420-c(4)(a)(5) is “a corporation, partnership or limited liability company at least fifty percent of the controlling interest of which is held by a charitable organization.”

Charitable Organization as defined in §420-c(4)(a)(4) is

- “(i) an entity formed for purposes that include providing housing accommodations for persons and families of low income and that has received written recognition of exemption pursuant to Section 501(c)(3) or Section 501(c)(4) of the [Internal Revenue Code], or
- (ii) a corporation, partnership or limited liability company wholly owned and wholly controlled by an entity formed for purposes that include providing housing accommodations for persons and families of low income and that has received written recognition of exemption pursuant to Section 501(c)(3) or Section 501(c)(4) of the [Internal Revenue Code].” See suggested language below for an HDFC or other non-profit subsidiary of a 501(c)(3) or (4).

Housing Accommodations shall mean Real Property used for (i) residential purposes including dwelling units, common sanitary and cooking and dining facilities, common recreation areas including outdoor recreation areas and public areas such as cellars, basements, public halls and stairs and roofs; or (ii) ancillary residential purposes including management, administrative and, for projects with an Initial Filing Date on or after the effective date of the rule adding this section, community facility uses that are authorized under use groups 3 and 4 of the Zoning Resolution. Notwithstanding the foregoing, any portion of the combined floor area of such ancillary residential purposes which exceeds twenty-five percent (25%) of the Aggregate Floor Area of the Real Property shall not qualify as Housing Accommodations.

Suggested language for an HDFC Certificate of Incorporation where the HDFC will be wholly owned and wholly controlled by a Charitable Organization by selection of the board of directors. Changes can be made to accommodate instances where the Charitable Organization has not yet received IRS designation or where the HDFC itself will eventually receive 501(c)(3) or (4) designation. See below for additional first sentence* and later phrase** where the HDFC has a sole member.

*The directors of _____ [HDFC] shall, at all times, be limited to the individuals who are either members of the board of directors of _____ [Charitable Organization] or who have otherwise been appointed or elected directors of [HDFC] by [Charitable Organization]. In the event that [Charitable Organization]** dissolves or ceases to have written recognition of exemption pursuant to §501(c)(3) or §501(c)(4) of the Internal Revenue Code of 1986, as amended, or any successor statute from the United States Internal Revenue Service or any successor agency, the directors of the Corporation shall, at all times, be limited to individuals who have been appointed or elected by a comparable entity which has such exemption and which was formed for purposes that include providing housing accommodations for persons and families of low income.”*

If the HDFC has the Charitable Organization as its sole member:

- I. Add the following sentence to the beginning of the above paragraph, “The sole member of [HDFC] is [Charitable Organization];” and
- II. Add the following phrase “ceases to be the sole member of the Corporation,” where indicated in the above paragraph.

420-c SPACE ALLOCATION ADDENDUM

For internal use – Docket #

For all space not used as dwelling units or public areas

Name OR Principal Address of Project: _____

Total Aggregate Floor Area: _____ Addendum Page # 1 OF _____ (TOTAL)

Please list the following spaces on this addendum:

- (1) **ADDITIONAL RESIDENTIAL AREAS***, such as common cooking and dining facilities, laundry rooms, common recreation areas, lounges, meeting rooms, libraries, parking exclusively for residents, if any
- (2) and (3) **ANCILLARY RESIDENTIAL AREAS*** used **exclusively** or **primarily** for project residents, such as offices and other facilities for management, administration, social services
- (4) **INELIGIBLE COMMERCIAL, COMMUNITY FACILITY OR ACCESSORY USE AREAS***, such as retail stores, commercial offices, commercial/public parking; social service and community facilities not primarily for the use of the project residents
- (5) **COMMUNITY FACILITY USE***, such as social services, legal counseling, job training, educational services for project and area residents that complies with 420-c definition of Housing Accommodations

* For applications submitted on or after September 20, 2015, portions of a project which are eligible for 420-c tax benefits consist of space used as Housing Accommodations, which means "Real Property used for (i) residential purposes including dwelling units, common sanitary and cooking and dining facilities, common recreation areas including outdoor recreation areas and public areas such as cellars, basements, public halls and stairs and roofs; or (ii) ancillary residential purposes including management, administrative and, for projects with an Initial Filing Date on or after the effective date of the rule adding this section, community facility uses that are authorized under use groups 3 and 4 of the Zoning Resolution. Notwithstanding the foregoing, any portion of the combined floor area of such ancillary residential purposes which exceeds twenty-five percent (25%) of the Aggregate Floor Area of the Real Property shall not qualify as Housing Accommodations." See Title 28 RCNY §37-01.

List each space not used as dwelling units or public areas such as lobbies, stairs, hallways, mechanical spaces, etc.:

<u>Location of Space</u> Include: • Floor • Location • Address if multi-building project (e.g. 2nd floor, NE corner of 123 Main Street)	<u>Gross Square Footage</u> (SF)	<u>Is space leased?</u> (Yes/No)	<u>Description of Use</u> (e.g. dining, management, counseling, lounge, meeting area)	<u>Category</u> (1) Additional residential area exclusively for residents (2) Ancillary residential area exclusively for residents (3) Ancillary residential area primarily for residents (4) Ineligible space (5) Community facility use

(If needed, please use the "Space Allocation Addendum Continued" page)

➡ A schematic diagram of the above or a new or existing Certificate of Occupancy must accompany this addendum:

NOTARY

Certified by (signature) _____ Date _____

Print Name and Title _____

Name of Legal Owner Entity _____

420-c SPACE ALLOCATION ADDENDUM

For internal use – Docket #

(CONTINUED)

➡ Addendum Page # _____ OF _____
(TOTAL)

<u>Location of Space</u> Include: • Floor • Location • Address if multi-building project (e.g. 2nd floor, NE corner of 123 Main Street)	<u>Gross Square Footage</u> (SF)	<u>Is space leased?</u> (Yes/No)	<u>Description of Use</u> (e.g. dining, management, counseling, lounge, meeting area)	<u>Category</u> (1) Additional residential area exclusively for residents (2) Ancillary residential area exclusively for residents (3) Ancillary residential area primarily for residents (4) Ineligible space (5) Community facility use

NOTARY

Certified by (signature) _____ Date _____

Print Name and Title _____

Name of Legal Owner Entity _____

420-c TRANSMITTAL CHECKLIST

For internal use – Docket #

Name or Principal Address of Project: _____

Select which documents have been included with this application:

<input type="checkbox"/> 420-c application, signed and notarized
<input type="checkbox"/> Space Allocation Addendum for space not used as dwelling units or public areas, each page signed and notarized
<input type="checkbox"/> Building Information Addendum for projects comprising more than one building
<input type="checkbox"/> Tax Map <u>OR</u> <input type="checkbox"/> RP 602
<input type="checkbox"/> Declaratory Ruling <u>OR</u> <input type="checkbox"/> Private Opinion
<input type="checkbox"/> Latest document allocating Federal Low Income Housing Tax Credit: <input type="checkbox"/> Credit Reservation dated _____ <input type="checkbox"/> Carryover Allocation dated _____ <input type="checkbox"/> IRS FORM 8609 dated _____ <input type="checkbox"/> Confirmation of tax credit use from the tax credit agency
(If not attached, IRS Form 8609 must be submitted within 36 months of this application)
<input type="checkbox"/> Regulatory Agreement(s) for all the block(s) and lot(s) in the application, stamped as filed
<input type="checkbox"/> Finalized underwriting, including: <input type="checkbox"/> Sources & uses <input type="checkbox"/> Development budget <input type="checkbox"/> Maintenance & operating expenses <input type="checkbox"/> Rent schedules <input type="checkbox"/> Debt service <input type="checkbox"/> Funding & Disbursement Agreement (if available) <input type="checkbox"/> Financial audits for last three years (if available) <input type="checkbox"/> Project-based subsidy contracts and commitment letters (if applicable)
<input type="checkbox"/> Nominee Agreement if title is split between legal and beneficial owners, stamped as filed
<input type="checkbox"/> Deed(s) for all block(s) lot(s) in the Project, stamped as filed <u>OR</u> <input type="checkbox"/> Ground Lease
<input type="checkbox"/> All documents establishing ownership structure with proof of filing (stamped as filed) that establishes the Eligible Owner (s) (including both legal and beneficial owners): For a Limited Partnership (“LP”), corporation or partnership attach: <input type="checkbox"/> Certificate of incorporation or partnership listing the General Partner (“GP”) stamped as filed. For a Limited Liability Company (“LLC”) attach: <input type="checkbox"/> Articles of organization stamped as filed; and <input type="checkbox"/> Operating agreement listing Managing Member (“MM”). If the GP or MM is corporation or partnership attach: <input type="checkbox"/> Certificate of incorporation or partnership stamped as filed; and <input type="checkbox"/> Stock or partnership certificate confirming that at least 50% of the controlling interest is held by a Charitable Organization. If the GP or MM is an LLC attach: <input type="checkbox"/> Articles of organization stamped as filed; and <input type="checkbox"/> Operating agreement for the MM confirming that at least 50% of the controlling interest is held by a Charitable Organization. For legal title holder under a nominee agreement such as an HDFC, attach documents for a: <input type="checkbox"/> Corporation, partnership or LLC as listed above; and/or <input type="checkbox"/> Charitable Organization as listed below. For a Charitable Organization attach: <input type="checkbox"/> 501(c)(3) or (4) designation confirmation letter from the IRS; and <input type="checkbox"/> Certificate of incorporation stamped as filed listing provision of housing accommodations for persons of low income as a purpose. For a wholly owned Charitable Organization such as an HDFC that does not have 501(c)(3) or (4) designation attach: <input type="checkbox"/> Certificate of incorporation stamped as filed that includes approved language for appointment of all directors by a Charitable Org.; and <input type="checkbox"/> Documents listed above for the appointing Charitable Organization.
<input type="checkbox"/> Temporary or permanent Certificate of Occupancy describing the uses on all floors <u>OR</u> <input type="checkbox"/> Schematic diagram
<input type="checkbox"/> Statement describing community facility use spaces (if any) <u>OR</u> <input type="checkbox"/> Architect Affidavit of community facility use (if a CO is not available)
<input type="checkbox"/> Filing Fee of \$100 plus an additional Processing Fee of \$ _____ (# Class A units @ \$80 and/or # Class B units @ \$60) (Make certified check or money order payable to: NYC Department of Finance)