

The City of New York
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
Office of The Commissioner/J-51 Tax Exemption/Abatement Program

J-51 APPLICATION INSTRUCTIONS

Please review these instructions carefully before completing your J-51 Application. All forms must be filled out completely and arranged as listed below. Please be sure to include your telephone number (with area code), your zip code, and the type of benefits for which you are applying in the spaces provided on the Project Information Sheet (Form J-1). Applicants should also note that with the exception of Form J-3 and the *Violation Search Report*, applications and supporting documentation for J-51 tax benefits will only be accepted during the following periods of the calendar year:

FEBRUARY 1 to MARCH 15
MAY 1 to JUNE 15
AUGUST 1 to SEPTEMBER 15
NOVEMBER 1 to DECEMBER 15

Please do not alter the wording on forms provided as affidavits. The J-51 Unit will not accept affidavits which have been altered in any way.

It is the applicant's responsibility to submit all necessary information and supporting documentation. Failure to do so will result in processing delays and the possible withdrawal of your application for tax benefits.

J-51 APPLICATION PRE-FILINGS

1. One original form J-5A, *Affidavit of No Harassment*, must be submitted to the J-51 Unit at 100 Gold Street, Section 1-G, New York, NY 10038 at least thirty (30) days prior to the start of work (rehabilitation, alteration or improvement). Any owner (including general partners and corporate officers) with an interest of ten percent (10%) or more in the premises must be listed on Page 2 of the Form J-5A; one owner must also sign Page 2 in the space provided. Cooperative of condominium buildings must have an authorized member of the Board of Directors sign. Shareholders owning more than ten percent (10%) of the shares must also be listed. Applicants completing Form J-5B in lieu of Form J-5A must file it no later than the date the application for benefits is filed with the J-51 Unit. Failure to file a properly completed form J-5A or J-5B will result in the loss of all exemption benefits.
2. Where the scope of work covers a Moderate Rehabilitation of a substantially occupied Class A multiple dwelling (refer to the Rules for appropriate description and guidance), the *Moderate Rehabilitation Notice to Tenants*, Form MR-1, and the *Moderate Rehabilitation Affidavit*, Form MR-2 (provided on request) must be completed and filed with the J-51 Unit. Failure to notify residents and submit these forms in compliance with the timing deadlines established in the Rules will result in loss of moderate rehabilitation benefits.
3. The *Notice of Intent to File for J-51 Tax Exemption and Tax Abatement*, Form J-11, must be filed with the Department of Finance (in the borough office where the property is located) not less than forty-five (45) days before the start of work. This form must be completed in triplicate; stamped "received" by the Department of Finance; and then submitted to the J-51 Unit. Failure to demonstrate the filing of this form within the indicated time frame will result in the assessment of a penalty equal to four-tenths of one percent (.4%) of approved certified reasonable cost (CRC).

J-51 APPLICATION FILING

These items should be completed after completion of all work on the building unless the application is for temporary benefits on a governmentally-assisted project.

1. One original plus five (5) copies of the Form J-1, *Project Information Sheet*, Answer all questions completely, inserting the notation "N/A" or "none" for any items or questions that do not pertain to your particular application.
2. One original plus five (5) copies of all three pages of Form J-2, *Itemized Schedule*. Unless all units of work, costs and other data are provided, your application will not be processed. To ensure proper benefits, record all unit and cost information accurately and legibly.
3. One signed and notarized original copy of Form J-6, *Affidavit of Ownership*. This affidavit must be signed by the owner(s). We cannot accept affidavits signed by a management agent or attorney. If

the building is a cooperative or condominium, the affidavit should be signed by an officer of the Board of Directors.

4. One signed and notarized original copy of Form J-7A, *Affidavit of Rent Registration*, which should list all units in the building and whether they are controlled or decontrolled pursuant to rent stabilization or rent control. If the units in the building are not yet registered because they are newly created, Form J-7C (for rentals) for Form J-7D (for cooperatives and condominiums) should be submitted in lieu of Form J-7A.
5. A copy of the most recent DHCR Form RR-2S *Rent Registration Summary*, filed by the applicant with the New York State Division of Housing and Community Renewal (DHCR) office in the borough where the property is located.
6. A Form J-7B *Statement of Rent Roll*, which indicates rents for all units before and after the work is completed.
7. A Form J-8, *Owner's Declaration of Partial Waiver for Rent Adjustment*, must be filed if any item of work included on the application was commenced on or after June 28, 1988. These items should be listed in the appropriate space on the form. This form need not be completed when rents are reset subsequent to the rehabilitation of a vacant building. A copy of this form should be filed by the applicant simultaneously with DHCR.
8. A *Certificate of Occupancy* issued within one year of the date of submission of the application, or an *Violation Search Report* issued by HPD's Division of Code Enforcement, is needed. To obtain this report, you may submit the enclosed copy of Form RHM AD-1 (with item #3 checked) with a \$30 check or money order payable to "NYC Department of Finance." This report will then be mailed directly to the applicant or his or her designated agent.

Alternatively, you may provide a *Violation Search Report* obtained directly from HPD's Division of Code Enforcement, dated no earlier than ninety (90) days before the filing date of your J-51 application.

If the search report indicates B or C code violations, you must provide us with written proof from HPD Code Enforcement that the violations have been cleared. For the violations, you must provide us with proof in one of two ways:

- a) Certification from the HPD Code Enforcement Division that the building is free of B and C violations; or
- b) Submit Form J-9A, *Affidavit of Violation Clearance for Owner* and Form J-9B, *Affidavit of Violation Clearance for Architects and Engineers*, stating that all previously cited violations have been cleared. The affidavits should include the most recent date from the upper right-hand corner of the first page of the search report as the date of the search.

9. Three (3) copies of Form J-3, *Certificate of Compliance with Department of Buildings Regulations*, with Section 1 completed. Depending upon the type of application, the following additional information may be required:

- a) If the application includes items of work that require DOB permits, HPD will forward the J-3 to the Buildings Department. Subsequently, the applicant must make an appointment with the DOB J-3 Processor in the borough where the property is located to obtain an approved copy of the J-3 for submission to HPD.
- b) If the application requires no DOB permits, submit to HPD a certified Buildings Department "Index Screen" printout, which must be dated no less than thirty (30) days prior to the date of initial application, that indicates no outstanding DOB violations in connection with the property. If the printout lists outstanding violations, the applicant must ensure that these violations are cured and dismissed by the appropriate DOB inspection unit. Once the dismissal(s) is/are obtained, the applicant must submit them to the J-51 Unit along with the certified index screen, which should be initialed next to each outstanding violation by a DOB official to confirm dismissal. Upon receipt of this information, HPD will approve the J-3 Form included in the initial application or we will notify the applicant of additional steps that must be taken to obtain our approval.

10. A one hundred dollar (\$100) check or money order (non-refundable) must be included and payable to "New York City Department of Finance."

11. Proof of Payment. As proof of payment for all work claimed on Form J-3, submit copies of all canceled checks (front and back portions), plus all paid bills and/or invoices. Alternatively, submit a statement by a certified public accountant (CPA) attesting to the accuracy of the information on Form J-2. The CPA statement must be signed and dated by the CPA. The J-51 Unit cannot provide benefits for cash payments which total more than five thousand dollars (\$5,000) per application.

12. Work contract(s) or contractor's detailed description of the type of work performed must be included with the application. For example, for an application which includes a burner/boiler installation, the contract should state the BTU output and input, the storage capacity, and the make and model of the unit, etc. For some items or work claimed by the applicant, we may request additional signed and notarized affidavits from the contractor stating the amount and location of the work done as well as the materials used.

13. One copy (front and back portions) of *Building Notice or Alteration Permit, Permit and Sign-Off* which is approved and/or issued by the Buildings Department. Submit copies of additional forms and schedules required by DOB and/or any required City clearance letters, permits or approvals. Please include all DOB permit numbers on the itemized schedule (J-2) where applicable and in the space provided. A list of required permits is included with this application.

14. Where work has been completed that cannot be visibly inspected (e.g., floor joists, structural steel), submit one full set of the approved plans for construction, mechanical systems, electrical systems, plumbing systems, etc. that the applicant or the applicant's architect or engineer has obtained from the Buildings Department, and an architect or engineer's statement regarding the nature and amount of work completed.

Cooperatives or Condominiums Must Submit the Following Additional Documentation with the J-51 Application Filing:

1. Form J-4, *Cooperative and Condominium Information*. It may also be necessary, as determined by the responses to Form J-4, to submit Form J-10A.1 or J-10.2, *Affidavit of Cooperative or Condominium Eligibility for Officers*, and Form J-10B.1 or Form J-10B.2, *Affidavit of Cooperative or Condominium Eligibility for Accountants*, as well as the attachments specified in these affidavits relating to the building's assessed value and sales data.

2. A copy of the cooperative or condominium's offering plan.

3. An opinion of counsel is needed which states the property meets the requirements of both Section 11-243 of the New York City Administrative Code and Section 5-03(g) of the J-51 Rules, and the date on which the Offering Plan became effective. In addition, the opinion should state that the dwelling units which remain have been registered as appropriate with DHCR and/or are subject to the provisions of rent regulatory laws. The number of such rent regulated units should also be specified.

4. Form J-10C, *Affidavit of First Sale for Cooperative and Condominium Eligibility for Officers*, and all supporting documentation as specified in the affidavit, must be included in the filing.