

**Instructions for
Application for Certification of Eligibility for
Tax Exemption Pursuant to Real Property Tax Law 467-m
"Affordable Housing from Commercial Conversions" or "AHCC"**

Applicants are required to complete the Application for Certification of Eligibility for the Affordable Housing from Commercial Conversions program for submission to the Department of Housing Preservation and Development (HPD).

Applicants:

- Complete application pages 2-4.
- Applicant or Applicant's authorized signatory must review and execute the Owner's Affidavit on pages 5-6.
- For the purposes of electronic submission to HPD, Owner's Affidavit must be have digital signature of the authorized signatory applied.
 - Owner's Affidavit must also be printed, signed & notarized, and mailed to HPD at the following address:
 - Attn: Division of Housing Incentives
Re: 467-m Application [Docket #]
Department of Housing Preservation and Development
100 Gold Street, Room 8C-09
New York, N.Y. 10038
- Once digital signature is applied to page 6, the information entered on the previous application pages can no longer be modified.

Architects/Professional Engineers:

- Complete application pages 7-10.
- After these pages are completed, apply digital professional seal and digital signature to each page.
- Once digital signature is applied to page 10, the information entered on pages 7-10 can no longer be modified.

Submission:

- Submit the requisite Application fee as further described on page 2.
- Submit the entire electronic Application to HPD at [467-m_AHCC@hpd.nyc.gov]
- Mail the executed Owner's Affidavit to HPD as described above.

Procedure:

- Upon receipt of a complete electronic Application and corresponding fee, HPD will generate a Receipt of Application for the Applicant and/or their authorized filing representative.
- HPD will further contact these parties for additional information and subsequent procedural steps, as necessary.

**Application for Certification of Eligibility for
 Tax Exemption Pursuant to Real Property Tax Law 467-m
 "Affordable Housing from Commercial Conversions" or "AHCC"**

This application must be accompanied by a fee in the amount of \$3,000 per dwelling unit, less any fees paid at Workbook submission. The fee must be sent by wire or automatic clearinghouse (ACH) transfer to the following account of the City of New York: Bank of America account no. 004832041945; for a wire transfer, use routing no. 026009593 or for an ACH transfer, use routing no. 021000322. To properly credit the wire or ACH payment, include the docket number assigned at Workbook submission and indicated below, or the property address and borough, tax block & tax lot with "AHCC Program" in the "comments" or "remarks" field of the transfer.

Capitalized terms not specifically defined herein shall have the meaning set forth in RPTL § 467-m and 28 RCNY § 64-01.

[Applications must be filed no later than one \(1\) year after the Completion Date.](#)

Section 1 - Owner Information

Applicant: _____ Interest: _____
 Business Address: _____
 Telephone: _____
 Email: _____
 Applicant Type: _____
 Authorized Signatory: _____ Authorized Signatory Title: _____

Section 2 - Filing Representative Information

Company: _____
 Primary Contact Name: _____
 Business Address: _____
 Primary Telephone: _____
 Primary Email: _____

Section 3 - Location Information

Borough: _____
 Address: _____
 Tax Block: _____ Manhattan Prime
 Development Area:
 Tax Lot(s): _____ Former Tax Lot(s)*(if any):
 Commencement Date: _____ Workbook Approval Date:
 Completion Date: _____ Docket #:

 _____ DOB BIN:

*Submit applicable RP-602, RP-602-c or RP-604

**Section 4 -
 Affordability
 Requirement**

Affordability Requirement means that within the Eligible Multiple Dwelling: (i) at least 25% of the Dwelling Units are Affordable Housing Units; (ii) at least 5% of the Dwelling Units are Affordable Housing Forty Percent Units (iii) the weighted average of all income bands (WAAMI) for all of the Affordable Housing Units is no greater than 80% of the Area Median Income (AMI) (iv) there are no more than three Income Bands for all of the Affordable Housing Units; and (v) no Income Band for Affordable Housing Units exceeds 100% AMI.
 See Real Property Tax Law § 467-m(6) for additional affordability requirements.

Total Units:

10% AMI Units:

20% AMI Units:

30% AMI Units:

40% AMI Units:

50% AMI Units:

60% AMI Units:

70% AMI Units:

80% AMI Units:

90% AMI Units:

100% AMI Units:

Total Affordable Units:

Affordability Percentage:

40% AMI or Less:

More than 3 AMI Bands?

WAAMI (Enter from approved Workbook)

Section 5 - Other RPTL § 467-m Requirements

1. Will any part of this Eligible Multiple Dwelling be used for transient occupancy, as a transient hotel or apartment hotel, or otherwise to provide short term rentals?

Yes No

2. Do all rental dwelling units share the same common entrances and Common Areas?

Yes No

3. Do you understand that Affordable Housing Units cannot be rented to a corporation, partnership, or other entity?

Yes No

4. Do you understand that Affordable Housing Units cannot be converted to condo/coop ownership?

Yes No

5. Do you understand that no Affordable Housing Unit shall be held off the market for a period that is longer than is reasonably necessary?

Yes No

6. Will the Affordable Housing Units be marketed for initial rent-up through marketing guidelines approved by HPD's Marketing Unit?

Yes No

7. Have the Affordable Housing Units already been marketed through marketing guidelines approved by HPD's Marketing Unit?

Yes No

8. Do you understand that all Affordable Housing Units shall be leased upon any subsequent vacancy after initial lease-up pursuant to tHPD's Marketing Unit guidelines?

Yes No

9. Are all Affordable Housing Units registered as rent stabilized with New York State Division of Housing and Community Renewal?

Yes No

Section 5 - Other RPTL § 467-m Requirements Continued

10. Do you understand that the recorded restrictive declaration in compliance with RPTL § 467-m must be executed by all parties in interest prior to the approval of this application?

Yes No

11. Will all Building Service Employees at the Eligible Multiple Dwelling receive the applicable prevailing wage for the duration of the benefit period, regardless of whether such benefits are revoked or terminated?

Yes No

11a. If 'No', does the Eligible Multiple Dwelling Contain less than thirty dwelling units?

Yes No

11b. If 'No', was the Eligible Conversion carried out with the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing?

Yes No

12. Is the Eligible Conversion subject to an Inclusionary Housing Regulatory Agreement or Restrictive Declaration? Attach if yes.

Yes No

13. Will this Eligible Multiple Dwelling or any part of the Eligible Multiple Dwelling be receiving tax exemption or tax abatement under any other provision of state or local law?

Yes No

14. Is the Eligible Multiple Dwelling now or anticipated to be subject to a declaration of condominium filed with the Office of the New York State Attorney General's Real Estate Finance Bureau (REFB)?

Yes No

15. Have all taxes, water charges and sewer rents currently due and owing on the subject property been paid?

Yes No

15a. If 'No' are such taxes, charges and rents currently being paid in timely installments pursuant to a written agreement with the appropriate government agency?

Yes No

16. Has a Notice of Intent to begin marketing the Affordable Housing Units been accepted by HPD's Marketing Unit?

Yes No

Remainder of page is blank



Owner's Affidavit

Page 1 of 2

State of)
County of)ss:
County of)

being duly sworn, under penalty of perjury, deposes and says:

2. I have read and understand the requirements for a 467-m Tax Exemption.
3. I have reviewed the Application and I swear or affirm that all information set forth in the Application is true and correct and I submit the Application to induce the City of New York to grant a 467-m Tax Exemption.
4. The multiple dwelling is operating as a rental. All Affordable Housing Units are or must be registered as rent stabilized with the State of New York Division of Housing and Community Renewal and initial leases of not less than two years are or must be offered to tenants of such rent stabilized units, or a one-year lease at the request of the tenant, in accordance with Rent Stabilization.
5. All Affordable Housing Units in an Eligible Multiple Dwelling shall share the same common entrances and Common Areas as rental market rate units in such Eligible Multiple Dwelling.
6. As required pursuant to § 467-m of the Real Property Tax Law, I understand that either (a) all Building Service Employees employed by the Covered Building Service Employer at the Eligible Multiple Dwelling shall receive the applicable prevailing wage for the duration of the benefit period, regardless of whether such benefits provided pursuant to this section are revoked or terminated or (b) is exempt because (i) such Eligible Multiple Dwelling contains less than 30 dwelling units, or (ii) such Eligible Multiple Dwelling's whose Eligible Conversion was carried out with the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing.
7. The Eligible Multiple Dwelling shall comply with the requirements of § 467-m of the Real Property Tax Law and any rules promulgated thereunder during the Restriction Period. Furthermore, Affordable Housing Units must (a) remain rent stabilized for the Restriction Period and (b) upon the renewal of leases or at any time during the term of the lease, be rented in accordance with § 467-m of the Real Property Tax Law and any rules promulgated thereunder.
8. The information provided in this Application reflects the plans approved by the Department of Buildings, including all Post-Approval Amendments.
9. I understand that on or after the expiration date of the 467-m Tax Exemption benefit, the Agency may impose, after notice and an opportunity to be heard, a penalty for any violation by an Eligible Multiple Dwelling of the Affordability Requirements of § 467-m(6) of the Real Property Tax Law.

Continued on next page

Owner's Affidavit

Page 2 of 2

10. I understand that if the City of New York finds that the Application and/or supporting documents, including, but not limited to, where applicable, the RP-602 or RP-604 executed and approved by the Department of Finance, contain incorrect or misleading information of a substantial nature or have omitted information of a material nature, the Department of Housing Preservation and Development may initiate revocation proceedings pursuant to Chapter 39 of Title 28 of the Rules of the City of New York that might result in the revocation of Real Property Tax Law § 467-m real property tax exemption benefits.

11. I make these statements to induce the Department of Housing Preservation and Development of the City of New York to grant a tax exemption pursuant to Section 467-m of the New York State Real Property Tax Law and any rules promulgated thereunder.

12. I know that the Department of Housing Preservation and Development will rely on the veracity of these statements in granting the 467-m Tax Exemption. I certify that the above statements are true and correct under penalty of perjury.

Signature

Authorized Signatory

Title

Applicant Entity

Sworn to me this day of

,
Notary Public or Commissioner
of Deeds

Certification of Commencement and Completion Dates

Docket #:

Address:

Borough:

Tax Block:

Tax Lots:

The Eligible Multiple Dwelling's Commencement Date and Completion Date are very important for the implementation of RPTL § 467-m benefits. Such establish the Construction Period benefits and confirms that the project completed construction and is eligible for the 25- or 30- or 35-years of post-construction tax exemption benefits. This certification must be completed by the project architect or professional engineer of record and submitted to HPD with the Application for Certification of Eligibility. RPTL § 467-m requires an Eligible Multiple Dwelling have a Commencement Date after 12/31/2022 and on or before 6/30/2031 and a Completion Date on or before 12/31/2039.

| DOB BIN # | DOB Permit Sequence # | Date Issued | 467-m Commencement Date |
|-----------|-----------------------|-------------|-------------------------|
| | | | |

| Certificate of Occupancy (CO) # | CO Type | Date Issued | CO Expiration Date |
|---------------------------------|---------|-------------|--------------------|
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I, the undersigned architect or engineer for the project, hereby certify that I have listed the date upon which a permit of a type provided for under 28 RCNY § 64-04(a) was issued by the Department of Buildings of the City of New York for alterations constituting one and only one Eligible Conversion. In addition, I have also attached a copy of the Certificate of Occupancy which establishes the Completion Date. I am also attaching a copy of the Temporary Certificate of Occupancy (TCO) immediately preceding, if applicable, the Certificate of Occupancy which establishes the Completion Date.

Based on the attached documentation, the Completion Date is _____ which is the earlier of the date of issuance of the first TCO or the permanent Certificate of Occupancy covering all residential areas of the Eligible Multiple Dwelling.

I make this certification in support of the Application submitted to the Department of Housing Preservation and Development for a certificate of eligibility for 467-m Tax Exemption Benefits.

Dated:

[Architect / Professional Engineer
 Seal & Signature here]

Aggregate Floor Area¹ and Commercial, Community Facility & Accessory Use Area Report

Docket #:

Address:

Borough:

Tax Block:

Tax Lots:

I, the undersigned, hereby certify the following areas in the above premises are located and measure as follows:

The Aggregate Floor Area of the Eligible Multiple Dwelling applying for § 467-m Tax Exemption benefits is _____ sq. ft.

List in the below two charts the Ineligible Spaces in the Eligible Multiple Dwelling including the commercial, community facility and accessory use spaces, listed by construction story. Use the second chart as needed.

| Location(e.g. basement, cellar, 1st floor, etc.) | Area Description (commercial, community facility, etc.) | Square Footage | Location(e.g. basement, cellar, 1st floor, etc.) | Area Description (commercial, community facility, etc.) | Square Footage | Sum of Square Footage as % of Aggregate Floor Area of Eligible Multiple Dwelling |
|--|---|----------------|--|---|----------------|--|
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| Total: | | | | | | % |
| Total in excess of 12%: | | | | | | |

Note: See the Zoning Resolution (Article 1, Chapter 2) for definitions of commercial, community facility, and accessory use space. All home occupation space and accessory parking located not more than 23 feet above curb level should not be counted as 467-m accessory use space.

¹Aggregate Floor Area means the sum of the Floor Area in the Eligible Multiple Dwelling. Floor area shall mean the horizontal areas of the several floors, or any portion thereof, of a dwelling or dwellings, and accessory structures on a lot measured from the exterior faces of exterior walls, or from the center line of party walls.

Dated: _____
 [Architect / Professional Engineer Seal & Signature here]

Certification of Non-Residential Building² Subject to Eligible Conversion

The registered architect and/or professional engineer of record must certify that the completed Eligible Multiple Dwelling consists of at least 50% of the pre-existing Non-Residential Building that was converted.

DOB BIN:

Non-Residential
Building
Description:

Attach to this AHCC Application the last Certificate of Occupancy in good standing prior to the start of the Eligible Conversion. If no Certificate of Occupancy is available, provide additional documentation in support of non-residential use of the subject property.

I, the undersigned, hereby certify the following areas in the above premises and subject property are located and measure as follows:

Gross Cubic Content³ of Non-Residential Building:

If any, Gross Cubic Content removed:

[Architect / Professional
Engineer Seal & Signature here]

If any, new Gross Cubic Content created:

Dated:

Gross Cubic Content of Eligible Multiple Dwelling:

Gross Cubic Content of Non-Residential Building
as percentage of the Eligible Multiple Dwelling:

²Non-residential building shall mean a structure or portion of a structure, except a hotel or other class B multiple dwelling, having at least one floor, a roof and at least three walls enclosing all or most of the space used in connection with the structure or portion of the structure, which has a certificate of occupancy for commercial, manufacturing or other non-residential use for not less than ninety percent of the aggregate floor area of such structure or portion of such structure, or other proof of such non-residential use as is acceptable to the Agency.

³Gross Cubic Content means the volume within the exterior faces of the perimeter walls (or center line of party walls), above legal grade, and below the roof level, plus any legal residential space below grade level. Roof bulkheads or roof penthouses used exclusively for machinery or equipment shall not be included. New exterior stair towers or elevator shafts shall not be included, unless they substitute for existing stair or elevator space which is converted to residential space.

Architect's / Engineer's Certification

Docket #:

Address:

Borough:

Tax Block:

Tax Lots:

I, _____, certify that I am a _____ licensed to practice by and in good standing with the New York State Department of Education. As such, I certify to the truth of the following in connection with the above pending application for RPTL § 467-m Tax Exemption:

The calculations of the Residential and Non-Residential Aggregate Floor Area were prepared in accordance with the 467-m Rules and the guidance provided by the Department of Housing Preservation and Development in the 421-a Frequently Asked Questions document dated June 17, 2004.

All rental units in the Eligible Multiple Dwelling share the same common entrances and Common Areas.

The aggregate floor area of the building applying for 467-m benefits is _____ sq. ft.

The percentage of Ineligible Space which exceeds twelve percent of the Aggregate Floor Area in the Eligible Multiple Dwelling is _____.

The Gross Cubic Content of the Non-Residential Building in existence as of the Commencement Date, as a percentage of the Eligible Multiple Dwelling's Gross Cubic Content upon the Completion Date is _____.

Based on the attached Certification of Commencement and Completion Dates, the construction was commenced on _____, the date upon which a permit of a type provided for under 28 RCNY § 64-04(a) was issued by the Department of Buildings of the City of New York constituting one Eligible Conversion. Construction was completed on _____, the earlier of the date of issuance of the first temporary or the permanent certificate of occupancy covering all residential areas of the building.

I make this certification in support of the application submitted to the Department of Housing Preservation and Development for a certificate of eligibility for RPTL § 467-m Tax Exemption Benefits.

I understand that if HPD finds that any of the statements are incorrect, I may, in HPD's sole discretion, be prevented from certifying any future projects with HPD. Furthermore, I understand that submission of a false certification shall be deemed to be professional misconduct pursuant to Section 6509 of the Education Law.

Dated:

[Architect / Professional Engineer
Seal & Signature here]