

Affordable Housing Commercial Conversion Commencement Guidance Bulletin

RPTL § 467-m(1)(h) provides that “‘Commencement Date’ shall mean, with respect to an eligible conversion, the date upon which a permit is issued by the local department of buildings for alterations that require the issuance of a new certificate of occupancy, provided that such alterations constitute an eligible conversion.”

RPTL § 467-m(1)(l) provides that “‘Eligible Conversion’ shall mean the conversion of a non-residential building, except a hotel or other class B multiple dwelling, to an eligible multiple dwelling.”

RPTL § 467-m(1)(m) provides that “‘Eligible Multiple Dwelling’ shall mean a multiple dwelling which was subject to an eligible conversion in which: (i) all dwelling units included in any application are operated as rental housing; (ii) six or more dwelling units have been created through an eligible conversion; (iii) the commencement date is after December thirty-first, two thousand twenty-two and on or before June thirtieth, two thousand thirty-one; and (iv) the completion date is on or before December thirty-first, two thousand thirty-nine.”

RPTL § 467-m(1)(u) provides that “‘Non-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 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.”

In accordance with the foregoing definitions, the Commencement Date will be determined based upon the date of issuance, by the Department of Building (DOB), of an initial permit to a qualifying Non-Residential Building for the following DOB job and work types in DOB Business Information System (BIS) and DOB NOW:

1. DOB NOW Job Type: ALT-CO - New Building with Existing Elements to Remain
 - a. DOB NOW Work Type: General Construction
2. DOB NOW Job Type: Alteration CO
 - a. DOB NOW Work Type: General Construction
3. DOB BIS Job Type: Alteration Type 1
 - a. DOB BIS Work Type: OT – General Construction