



## FINDING OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION

Section 7 of Local Law 15 of 2011 amended Administrative Code § 11-319 by adding a new paragraph (b)(11) that requires that by September 1, 2011, "the appropriate agency [shall] promulgate rules identifying or describing existing procedures governing challenges to the validity of any real property tax, sewer rent, sewer surcharge, water rent, emergency repair charge or alternative enforcement expense or fee." As the Department of Finance is the appropriate agency to promulgate rules with respect to real property tax, these rules address the existing procedures governing challenges to tentative assessment of real property for purposes of determining the real property tax.

Early implementation of this rule is necessary to meet the requirement of the law that these rules become effective no later than September 1, 2011. Therefore, pursuant to section 1043(e)1(c) of the New York City Charter, the Department of Finance hereby finds that there is a substantial need for the earlier implementation of the Rules Relating to Challenges to the Validity of Real Property Taxes. Consequently, the attached rules shall be effective upon the final publication of the rules in the City Record, and the requirement that thirty days first elapse after such publication shall not apply.

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S/S

David M. Frankel  
Commissioner of Finance

Approved:

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S/S

Michael R. Bloomberg, Mayor

Dated: August 16, 2011

**THE CITY OF NEW YORK  
DEPARTMENT OF FINANCE**

**NOTICE OF RULEMAKING**

Pursuant to the power vested in me as Commissioner of Finance by section 11-319(b)(11) of the Administrative Code of the City of New York and sections 389(b) and 1043 of the New York City Charter, I hereby promulgate the within Rules Relating to Challenges to the Validity of Real Property Taxes. These rules were published in proposed form on June 30, 2011. A hearing for public comment was held on August 1, 2011.

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S/S  
David M. Frankel  
Commissioner of Finance

Note: New matter underscored; old matter in brackets [] to be deleted.

**STATEMENT OF BASIS AND PURPOSE**

Section 7 of Local Law 15 of 2011 amended Administrative Code § 11-319 by adding a new paragraph (b)(11) that requires that by September 1, 2011, "the appropriate agency [shall] promulgate rules identifying or describing existing procedures governing challenges to the validity of any real property tax, sewer rent, sewer surcharge, water rent, emergency repair charge or alternative enforcement expense or fee".

As the Department of Finance (the "Department") is the appropriate agency to promulgate rules with respect to real property tax, this rule addresses the existing procedures governing challenges to tentative assessment of real property for purposes of determining the real property tax by citing Chapter 37 of Title 19 of the Rules of the City of New York (the rules of the Department pertaining to requests for review of tentative assessments of real property).

These new rules also describe the authority of the Department to make changes to the tentative assessment roll and the right of aggrieved parties to file applications with the New York City Tax Commission to appeal the tentative assessment of real property.

Section 1. Title 19 of the Rules of the City of New York is amended by adding a new Chapter 49 to read as follows:

**Rules Relating to Challenges to the Validity of Real Property Taxes**

**§49-01. Challenges to assessed valuation of real property**

**(a) Tentative Assessment Roll**

(i) Except for the property defined as class one property pursuant to §1802 of the Real Property Tax Law, the tentative assessment roll containing the tentative assessed valuation of real property for the succeeding fiscal year is open to the public beginning January 15th and ending March 1st of each year.

(ii) For the property defined as class one property pursuant to §1802 of the Real Property Tax Law, the tentative assessment roll is open to the public beginning January 15th and ending March 15th of each year.

(iii) Section 1512 of the New York City Charter provides that during the period in which the tentative assessment roll is open for public inspection, the Commissioner of Finance may correct the assessment roll by adding property that had been omitted or by increasing or decreasing the assessed valuation of property. An additional period ending May 10th is provided for changes for non-residential real property. Chapter 37 of Title 19 of the Rules of the City of New York provides the procedure for property owner requests for the Department of Finance to review the tentative assessed valuation of real property.

**(b) Request for Review**

A request for review filed with the Department of Finance pursuant to subdivision (a) of this section and Chapter 37 of Title 19 of the Rules of the City of New York shall not:

(i) affect a property owner's right to apply for a correction of tentative assessed valuation with the New York City Tax Commission;

(ii) affect any deadline for such application with the Tax Commission; or

(iii) satisfy the requirement that a property owner have filed a timely application for correction with the Tax Commission in order to obtain subsequent judicial review of an assessed valuation.

**§ 49-02. Appeal to New York City Tax Commission**

The New York City Charter provides the process for a property owner to apply to the New York City Tax Commission for correction of the tentative assessment of real property by the Department of Finance.

(i) For property classified as class one under Real Property Tax Law § 1802, property owners may submit applications to the Tax Commission for correction of the tentative assessment from January 15th until March 15th immediately prior to the tax year to which the tentative assessment pertains.

(ii) For all other classes of property, property owners may submit applications to the Tax Commission for correction of the tentative assessment from January 15th until March 1st immediately prior to the tax year to which the tentative assessment pertains.

(iii) Notwithstanding the above, New York City Administrative Code § 11-208.1 requires that the Tax Commission deny a hearing on the correction of the tentative assessment for any property as to which an income and expense statement is required but was not timely filed in the immediately preceding calendar year.