



NEW YORK CITY DEPARTMENT OF FINANCE

LOWER MANHATTAN
RELOCATION AND EMPLOYMENT ASSISTANCE PROGRAM
FOR ELIGIBLE BUSINESSES (LM REAP-EB)
Application for Certificate of Eligibility

DATE
STAMP

INSTRUCTIONS: Use this application for LM REAP benefits applied to Unincorporated Business Tax, General Corporation Tax, Banking Corporation Tax or Utility Tax. Do not use this application if you had employees in premises in New York City after December 31, 2001 and before you signed a lease or contract for the premises for which you are applying for benefits. If you had employees in Manhattan during this period, you must use the LM REAP-SEB application. If you had employees in the Bronx, Brooklyn, Queens or Staten Island and no employees in Manhattan during this period, you are not eligible LM REAP benefits.

PART I: APPLICANT AND SITE INFORMATION

SECTION A: APPLICANT INFORMATION

APPLICANT'S COMPANY NAME:
CONTACT PERSON:
ADDRESS:
CITY/STATE: ZIP CODE:

SOCIAL SECURITY NUMBER:
EMPLOYER IDENTIFICATION NUMBER:

MAIN BUSINESS ACTIVITY:

TELEPHONE NUMBER:

SECTION B: ORIGINAL SITE INFORMATION

Have you conducted substantial business operations at one or more business locations outside of New York City for at least 24 consecutive months immediately preceding the taxable year of the relocation with respect to which this application is made? YES NO

If "YES," complete the following schedule for the locations, and attach copies of your federal tax returns for the two years immediately preceding the taxable year of the relocation.

Table with 5 columns: STREET ADDRESS, CITY AND STATE, NATURE OF ACTIVITIES, NUMBER OF EMPLOYEES, DATES AT LOCATION

SECTION C: RELOCATION SITE INFORMATION

You may complete and submit a LM-REAP application for an anticipated relocation, even if all the requested information is not yet available.

1. On or after July 1, 2003, did you relocate to premises within the eligible Lower Manhattan area? YES NO

If "YES," provide (a) the borough, block and lot number, the address of the premises you relocated to, and submit *one* of the following: a copy of the lease for the premises, a copy of the contract to purchase the premises, or a copy of the deed if you own the premises; AND (b) a brief description of the relocated business operations.

a. BOROUGH:	BLOCK:	LOT:
ADDRESS:		
b. DESCRIPTION OF RELOCATED BUSINESS OPERATIONS:		

2. Do your activities at the relocation premises consist predominantly of any of the following:
- a. The retail sale (other than through the mail, by phone, or by means of the Internet) of tangible personal property to any person, for any purpose unrelated to the trade or business of such person? YES NO
 - b. The sale of services to individuals that generally involve the physical, mental, and/or spiritual care of such individuals or the physical care of the personal property of any person unrelated to the trade or business of such person?..... YES NO
 - c. The provision of retail banking services? YES NO
 - d. The lodging of guests at a building or portion thereof that is regularly used and kept open for such services, including an apartment hotel, a motel, or boarding house or club?.... YES NO

IF YOU CHECKED "YES" TO ANY ITEM IN QUESTION 2, YOU DO NOT MEET THE LM-REAP ELIGIBILITY CRITERIA.

3. a. Do you own the premises to which you relocated, or if you lease the premises, does the term of the lease extend to a date at least three years after the relocation date and the lease commencement date? YES NO
- b. On or after July 1, 2003, were expenditures in excess of \$25 per square foot made for improvements to the premises? YES NO

IF YOU ANSWERED "YES" TO 3a AND 3b, DO NOT COMPLETE QUESTION 4.

IF YOU ANSWERED "NO" TO EITHER PART OF QUESTION 3, YOU MUST COMPLETE QUESTION 4.

4. a. Do the premises to which you have relocated fit any of the following five categories?
- (1) Premises are wholly contained in real property that is eligible to receive benefits under the City's Industrial and Commercial Abatement Program (ICAP)?..... YES NO
- If "YES", submit a copy of the lease and the ICAP Preliminary Certificate of Eligibility.

SECTION C: RELOCATION SITE INFORMATION - Continued

(2) Premises are wholly contained or situated on real property that has been leased from the New York City Industrial Development Agency? YES NO

If "YES", submit a copy of the lease.

(3) Premises are wholly contained in or situated on real property that is owned by the City of New York? YES NO

If "YES", submit a copy of the lease.

(4) Premises are wholly contained or situated on real property that is owned by the Port Authority or the New York State Urban Development Corporation or a subsidiary thereof?..... YES NO

If "YES", submit a copy of the lease.

(5) Premises are wholly contained in or situated on real property that would be eligible to receive benefits pursuant to the City's ICAP Program, except that such property is exempt from real property taxation?..... YES NO

If "YES", submit a copy of the lease and the ICAP Preliminary Certificate of Eligibility.

4. b. Were the premises to which you relocated improved by construction or renovation? YES NO

(1) Answer this question only if you checked Question 4a (2):

Was such construction or renovation made with the approval of the NYC Industrial Development Agency?..... YES NO

(2) Answer this question only if you checked Question 4a (3):

Was such construction or renovation made with the approval of your lease in accordance with the NYC Charter?..... YES NO

(3) On or after July 1, 2003, have there been expenditures made in excess of 50% of the property's assessed value (or, in the case of industrial property, in excess of 25%) for improvements to the real property in which your premises are located? YES NO

(4) Were such expenditures made within 36 months, or, if the expenditures were in excess of \$50 million, were they made within 72 months from commencement of the lease?..... YES NO

IF YOU ANSWER "YES" TO ANY QUESTION IN 4b, YOU MUST SUBMIT COPIES OF INVOICES AND CANCELED CHECKS TO DOCUMENT EXPENDITURES. ATTACH A RIDER.

PART II - CALCULATION AND AFFIRMATION

SECTION A: CALCULATION OF BASE AGGREGATE EMPLOYMENT SHARES OUTSIDE THE CITY (BAESOC).

Before doing calculations, please read the Definition of Terms included with this application.

Calculate the Base Aggregate Employment Shares Outside the City (BAESOC) and attach a schedule showing your calculations.

This number is the sum of the aggregate employment shares maintained by the eligible business outside the City in the taxable year immediately preceding the taxable year of the relocation by the eligible business.

You must also submit proof of employment (e.g. W-2's , payroll documents, etc.) along with this schedule.

NUMBER OF SHARES

SECTION B: LM REAP-EB AFFIRMATION

I hereby certify that the information furnished with or in this application is, to the best of my knowledge and belief, true, correct and complete.

Name and Title: _____
PRINT NAME AND TITLE OF APPLICANT, PARTNER OR CORPORATE OFFICER

Signature _____

Date _____

**MAIL TO:
 NYC DEPARTMENT OF FINANCE
 BUSINESS AND EXCISE TAX REFUND UNIT - REAP GROUP
 59 MAIDEN LANE, 20TH FLOOR, NEW YORK, NY 10038**

Upon receipt and review of a complete application, including all required schedules and documents, Finance will issue a Certificate of Eligibility to the applicant. In order to claim LM-REAP benefits, you must submit an annual computation of aggregate employment shares maintained by the eligible business, every year. Finance will issue an annual certification, which must be attached to your applicable business tax return.

PART II - SECTION C: DEFINITION OF TERMS

- 1. Employee:** The term “employee” includes any individual where the existing relationship between that individual and the eligible business is that of employer and employee. Generally, an employer-employee relationship exists when the eligible business has the right to control and direct the individual, not only as to the result to be accomplished, but also as to the means by which such result is to be accomplished. If the relationship of employer-employee exists, the designation or description of the relationship is immaterial. Directors of a corporation in their capacity as directors are not employees of an eligible business. Directors of a corporation may be considered employees if, in addition to serving in the capacity of directors, they serve in the capacity of employees.
- 2. Eligible worker:** the term “eligible worker” means an employee, partner or sole proprietor of the eligible business.
- 3. Work Week:** The term “work week” means a period of seven or fewer successive days, beginning with a specified day, which the eligible business has adopted and regularly utilizes as its work week.
 - A *full-time work week* is a work week during which an eligible worker has performed at least 35 hours of labor for compensation.
 - A *part-time work week* is a work week during which an eligible worker has performed at least 15 but fewer than 35 hours of labor for compensation.
 - Hours in excess of 35 worked by an eligible worker during a work week cannot be carried over and counted during any other work week.
 - Terminal leave preceding the termination of a worker’s employment may not be counted as time worked by the worker. A work week which begins in one taxable year and ends in the following taxable year shall be treated as a work week in the taxable year in which it ends.
- 4. Taxable Year:** The term “taxable year” refers to the taxpayer’s taxable year for the General Corporation Tax, the Unincorporated Business Tax, or the Banking Corporation Tax (whichever is applicable), provided, however, in the case of a taxpayer subject to the Utility Tax, “taxable year” refers to the calendar year.
- 5. Employment Shares:** The term “employment share” means, with respect to each employee, partner or sole proprietor of an eligible business, the sum of:
 - a) the number of full-time work weeks worked by such employee, partner or sole proprietor during the eligible business’ taxable year, divided by the number of weeks in the taxable year, and
 - b) the number of part-time work weeks worked by such employee, partner or sole proprietor during the eligible business’ taxable year, divided by an amount equal to twice the number of weeks in the taxable year.
- 6. Aggregate Employment Shares:** The term “aggregate employment shares” means the sum of all employment shares maintained by an eligible business in a taxable year.
- 7. Eligible Lower Manhattan Area:** The term “eligible Lower Manhattan area” refers to the area in Manhattan lying south of a line that runs from the intersection of the Hudson River with the Holland Tunnel, running north along West Avenue to the intersection of Clarkson Street, then running east along the center line of Clarkson Street to the intersection of Washington Street, then running south along the center line of Washington Street to the intersection of West Houston Street, then east along the center line of West Houston Street, then, at the intersection of the Avenue of the Americas, continuing east along the center line of East Houston Street to the easterly bank of the East River.