



INDUSTRIAL AND COMMERCIAL ABATEMENT PROGRAM

PRELIMINARY APPLICATION AND INSTRUCTIONS

Mail to: NYC Department of Finance, Industrial and Commercial Abatement Program, 59 Maiden Lane, New York, NY 10038

Instructions: The completed application must be accompanied by a narrative describing the project site; the proposed improvement(s); the proposed uses of the building or structure upon completion of improvements; and whether the improvements are building-wide or limited to specific building systems or renovations to particular areas (such as specific floors or lobby) of the building. There is no fee for this application.

NOTE: FAILURE TO FILE AN APPLICATION FOR INDUSTRIAL AND COMMERCIAL ABATEMENT PROGRAM (ICAP) BENEFIT BEFORE RECEIPT OF THE FIRST BUILDING PERMIT OR, IF NO PERMIT IS REQUIRED, THE START OF CONSTRUCTION WILL DISQUALIFY YOU FROM RECEIVING BENEFITS UNDER THIS PROGRAM.

PROGRAM OVERVIEW AND MILESTONES

OVERVIEW

The Industrial and Commercial Abatement Program (ICAP), authorized by state law signed by Governor Patterson on June 30, 2008, replaces the Industrial and Commercial Incentive Program that expired on that date. The program provides for a partial abatement of taxes for eligible industrial or commercial buildings which are constructed, modernized, rehabilitated, expanded or otherwise physically improved. No benefits are available for utility property. Additionally, benefits for space used or held out for retail purposes may receive limited or no benefits and may disqualify a project from any benefits depending upon location of the building and/or the construction work performed. ICAP benefits are granted as of right to all applicants whose projects qualify under the provisions of the legislation.

EXPIRATIONS AND FILING DATES

Under the current statute, ICAP will expire March 1, 2011. Preliminary applications received after this date are late and are not eligible for benefits.

CERTIFICATES OF ELIGIBILITY

The Department of Finance, which administers this program, issues *Certificates of Eligibility* for projects which meet the program requirements.

No tax benefit will be granted pursuant to this title if a property is concurrently receiving an exemption or abatement of real property tax under any other law, with a small number of exceptions such as exemptions available to property owned by not-for-profit organizations. A subsequent ICAP benefit is not

available for construction work on the same portion of the property for which construction work is the subject of an abatement pursuant to the ICAP program until at least *four years have elapsed since the first day of the first tax year of such prior abatement benefit.*

MINIMUM REQUIRED EXPENDITURES

Applicants must meet Minimum Required Expenditure (MRE) targets. The MRE is a percentage of assessed value of the project in the year of the issuance of the building permit or, if no permit is required, the start of construction. The MRE is 30% of the property's taxable assessed value in the tax year with a taxable status date immediately preceding the issuance of the first building permit, or, if no permit is required, commencement of construction.

For an industrial construction project that meets an MRE of 40% or more, the project will be eligible for the additional abatement that reduces the pre-construction tax on the building or structure.

FILING AND PERMITS

Applicants must file a preliminary application with the Department of Finance **PRIOR** to the issuance of a building permit for this project or, if no permit is required, prior to the start of construction. **Failure to file the preliminary application timely will disqualify an applicant from receiving any benefits under this program.** If the filing requirements are met, an applicant may commence construction once the Buildings Department issues a permit. Information regarding additional filings may be found on Page B: "Program Milestones."

PROGRAM OVERVIEW AND MILESTONES - Continued

BENEFIT SCHEDULE

The benefit schedule for industrial projects is the same citywide. For commercial projects, the City is divided into regular, renovation and special areas, the boundaries of which will be set by the Temporary Boundary Commission for the first time in 2009 and every three years thereafter. Special commercial areas designated previously under ICIP will continue to be in effect until new boundaries are set.



MILESTONES

- File preliminary application for Certificate of Eligibility *before* issuance of building permit, or if no permit is required, the start of construction.
- Notify the Division of Labor Services *15 business days before* commencement of work. Submit an Employment Report for projects with construction contracts in excess of \$2,500,000 for the applicant and sub contractor contracts in excess of \$1,000,000.
- Receive a *building permit*, where required, prior to the commencement of construction.
- File completed final application for Certificate of Eligibility after commencing construction. Filing of the Final Application is no later than one year after the date of issuance of the first building permit for construction work or, if no permit is required, from the start of construction.
- Submit proof of meeting the minimum required expenditure *within applicable time periods* after issuance of the building permit on projects under construction or *upon completion*.
- Notify the ICAP unit in writing *within 15 days* of completion of project and submit final construction report within 60 days of completion. A final certificate of eligibility will then be issued.
- File Certificate of Continuing use biennially with the Department of Finance during the benefit period. However, an amendment to the certificate of continuing use must be filed immediately in certain circumstances when space is converted to another use.
- Project must be completed no later than five years from the date of the first permit.

AGENCY ADDRESSES AND TELEPHONE NUMBERS

NYC DEPARTMENT OF FINANCE

ICAP
59 Maiden Lane
New York, NY 10038
E-mail: nyc.gov/contactfinance

DIVISION OF LABOR SERVICES PROGRAM

Department of Business Services
110 William Street, 2nd Floor
New York, NY 10038
Telephone: 212-618-8823

ENERGY COST SAVINGS

Department of Business Services
110 William Street, 3rd Floor
New York, NY 10038
Telephone: 212-513-6345

For financing initiatives contact:

NYC ECONOMIC DEVELOPMENT CORPORATION

Industrial Development Agency
110 William Street, 6th Floor
New York, NY 10038
Telephone: 212-312-3600

NOTE

THIS PRELIMINARY APPLICATION, WHEN DULY FILED, WILL FULFILL THE REQUIREMENT THAT AN APPLICATION BE MADE BEFORE ISSUANCE OF A BUILDING PERMIT OR, IF NO PERMIT IS REQUIRED, THE START OF CONSTRUCTION. HOWEVER, THE FILING OF A PRELIMINARY APPLICATION DOES NOT CONFER THE RIGHT TO ANY BENEFIT.



INDUSTRIAL AND COMMERCIAL ABATEMENT PROGRAM

PRELIMINARY APPLICATION FOR CERTIFICATE OF ELIGIBILITY

Mail to: NYC Department of Finance, Industrial and Commercial Abatement Program, 59 Maiden Lane, New York, NY 10038

This Preliminary Application, when duly filed, will fulfill the requirement that an application be made before issuance of a building permit, but does not confer the right to any benefit. Return the completed application and the required attachments to the address above.

SECTION I APPLICANT INFORMATION

Type or print all information

1. Name of Applicant: _____

Contact person

(if other than applicant): _____
PRINT FIRST NAME PRINT LAST NAME

Address: _____
NUMBER AND STREET CITY STATE ZIP CODE

Telephone Number: _____ Fax Number: _____ Email Address: _____

Applicant's Employer Identification Number: - OR Applicant's Social Security Number: - -

2. Name of Representative (If a representative is designated below, correspondence will be sent only to the representative):

Representative Firm Name: _____

Name: _____
PRINT FIRST NAME PRINT LAST NAME

Address: _____
NUMBER AND STREET CITY STATE ZIP CODE

Telephone Number: _____ Fax Number: _____ Email Address: _____

SECTION II SITE INFORMATION

1. Borough: _____ Block: _____ Lot(s): _____

2. Site Address: _____
NUMBER AND STREET CITY STATE ZIP CODE

SECTION III PROJECT INFORMATION

1. Total floor area: _____ square feet

2. Type of project (check all that apply):

New building Alteration Addition to existing space

3. Proposed use (check all that apply):

Industrial Commercial Retail
 Hotel Residential Utility

4. Retail square footage: _____

5. Estimated cost of construction: \$ _____

6. Will proposed work require a building permit? YES NO
If "no," continue with question #9.

7. Has a building permit been issued? YES NO
If "yes," give date: _____ / _____ / _____

8. Date of commencement or projected commencement: _____ / _____ / _____

9. Will the project require any zoning change, other variance or consent from a government agency? YES NO

If "yes," describe: _____

10. Has an application been made for any other New York City Exemption or Abatement Program, for example J-51, lease abatement, ECSP, prior ICIP, ICAP etc.? YES NO

If "yes," specify: _____
If "no," will you be applying for any YES NO

11. This application is for (check all that are applicable):
 Industrial Abatement Commercial Abatement Additional Industrial Abatement

SECTION IV AGREEMENTS AND CERTIFICATION

The undersigned agrees and represents that:

The applicant will comply with the Rules and Regulations of the Office of the Mayor for implementation of Executive Order No. 50 (1982) or amendments relating to equal employment opportunity and trainee programs to the same extent as if the applicant was a contractor with the City of New York and will not commence construction work until at least 15 business days have elapsed without comment after filing Employment Reports for itself and each such contractor, if applicable. Employment Report forms are available from the Department of Finance and should be filed with the Division of Labor Services, 110 William Street, 2nd Floor, New York, NY 10038 or call the Division of Labor Services at 212-618-8823. The applicant will also comply with and be subject to the rules issued from time to time by the Department of Finance to secure compliance with all applicable City, State and federal laws or which implement mayoral directives and executive orders designed to ensure equal employment opportunity.

I certify that the information on this application, and any accompanying documents, is, to the best of my knowledge, true correct and complete.

Signature:

Print Name:

Title:

_____/_____/_____
Date: