



**Department of
Housing Preservation
& Development**

Office of Development
DIVISION OF HOUSING INCENTIVES
100 GOLD STREET, NEW YORK, N.Y. 10038
(212) 863-8540

FINAL APPLICATION FOR CERTIFICATION OF ELIGIBILITY FOR 421-a PARTIAL TAX EXEMPTION

Property address: _____

Docket #: _____

Date rec'd by HPD: _____

Block: _____ Lot: _____

To the Commissioner:

The undersigned affirms that: (Place an "X" where applicable)

- All information previously submitted in the Preliminary Application for a Certification of Eligibility for partial tax exemption remains true and accurate.
- Documentation is attached advising you of all physical changes made in this project since the submission of the Preliminary Application; and the need, if any, to revise initial rents or selling prices.
- Documentation is attached advising you of increased development and/or maintenance and operating costs and the need for revised initial rents or selling prices.
- Each year the owner shall make available to HPD's Tax Incentives Unit a schedule of rents for each unit in the building. An annual rent schedule must be mailed to HPD.
- All units have been registered with the New York State Division of Housing and Community Renewal.
Date: _____
- All units in the above building/s will be registered with the NYS Division of Housing and Community Renewal as they become occupied.
- If the project is owned and operated as a co-op or condominium and if the co-op or condo plan has not been declared effective 15 months after the issuance of a Final Certificate of Eligibility, the owner will register the rental units with the NYS Division of Housing & Community Renewal no later than 15 days after such 15 month period.

The approximate date of completion of this project is: _____

Applicant understands that pursuant to Sec. 6-05 (2) of the 421-a Rules that:

- A. The application for a Final Certificate of Eligibility must be filed as follows:
 1. For a multiple dwelling owned as a rental and containing more than six units, the application must be filed prior to occupancy of the building, but no earlier than the date of application for a preliminary certificate of eligibility.
 2. For a multiple dwelling to be owned as a condominium or co-op, the application must be filed prior to the first taxable status date following the completion of construction.
- B. The application process for a Final Certificate of Eligibility must be completed within 90 days following the issuance of a permanent certificate of occupancy or a temporary certificate of occupancy covering all residential space. In the event that all the required documents are not timely filed, benefits of the Act may be revoked pursuant to Sec. 6-07 (c) (5) of the 421-a Rules.

Applicant understands and agrees that, if tax exemption is granted as a result of this application and there is failure to complete said structure within the time limit set forth in the 421-a Statute and Rules, or if any other breach of the Rules is committed without curing said breach within 90 days after notice of same is given, the Commissioner shall revoke the Certificate of Eligibility for said premises. In the event of Revocation for failure to timely complete, the owner shall pay the City, with interest, the amount of exempted taxes. Such unpaid taxes and the interest thereon shall become a lien against said property.

Affidavit is herewith submitted for the issuance of a final certification of eligibility for partial tax exemption for the structure herein mentioned.

STATE OF NEW YORK)
CITY OF NEW YORK)
COUNTY OF)

_____, being duly sworn, deposes and says, that, he/she is the applicant or officer of applicant Corp. or General Partner of _____, making application for a Certification of Eligibility for Partial Tax Exemption; he/she has read and agrees to abide by the Regulations for 421-a partial tax exemption, and he/she understands that the City of New York will rely on the statements contained herein in acting upon this application.

Sworn to before me this

_____ day of _____, 20_____

Signature

Notary Public

Date



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COMPLETION OF CONSTRUCTION AFFIDAVIT

The date of “completion of construction” of the project is a very important date for the implementation of 421-a benefits. It confirms that the project completed construction and is eligible for the 10, 15, 20, or 25 years of post-construction partial tax exemption benefits. This affidavit must be completed by the project architect or engineer and submitted to HPD with the application for a final certificate of eligibility.

A separate affidavit must be filed for each building included in the project.

Docket # _____

Building Address: _____ **Block:** _____ **Lot:** _____

Borough: Manhattan Bronx Brooklyn Queens Staten Island

Certificate of Occupancy #	Date Issued	Date Expired	Indicate Temporary CO or Permanent CO
1.			
2.			
3.			
4.			
5.			
6.			

I, the undersigned architect or engineer for the project, hereby certify that this is a complete and accurate list of all temporary and, if any, permanent certificates of occupancy issued for the building from the commencement of construction to date. I make this affidavit in support of the application submitted to the Department of Housing Preservation and Development for a final certificate of eligibility for 421-a Partial Tax Exemption Benefits.

Based on the attached documentation, the construction was completed on _____, the earlier of the date of issuance of the first temporary certificate of occupancy issued for all residential areas of the building or the permanent certificate of occupancy for the entire building.

Notary or Seal

Signature of Architect or Engineer

Print Name

Address

City, State, Zip

Telephone Number

**ONLY ORIGINAL AFFIDAVITS WILL BE ACCEPTED BY HPD
THEY MAY NOT BE ALTERED IN ANY WAY**



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AFFIDAVIT OF ENERGY STAR COMPLIANCE

STATE OF NEW YORK)
) SS.: DOCKET # _____
COUNTY OF _____

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

I am the _____ of _____ [name of entity]
[title] _____, City and State of New York, identified as block _____, lot(s) _____ on the tax map of the City of New York, making this application for a Preliminary Certificate of Eligibility for a §421-a Partial Tax Exemption.

I hereby certify, as required pursuant to §11-245.8 of the Administrative Code of the City of New York and §6-05(d)(1) of Chapter 6, Title 28 of the Rules of the City of New York, that whenever any household appliance in any dwelling unit, or any household appliance that provides heat or hot water for any dwelling unit in the multiple dwelling, is installed or replaced with a new household appliance on or after December 19, 2006, such new appliance shall be certified as Energy Star, or that either (A) an appropriately-sized Energy Star certified household appliance is not manufactured, such that movement of walls or fixtures would be necessary to create sufficient space for such appliance, and/or (B) an Energy Star certified boiler or furnace of sufficient capacity is not manufactured.¹

I make these statements to induce the Department of Housing Preservation and Development of the City of New York to grant a partial tax exemption and know the City of New York will rely on the veracity of such statements in granting tax exemption. The attached application is intended to be a written instrument as defined in Article 175 of the Penal Law and I understand that any false statement is punishable as a Class E felony that provides a term of imprisonment not to exceed four years.

Sworn to me this _____ day of _____, 20____
Affiant Signature

Name

Title

Notary Public

Name of Entity (if applicable)

¹ For purposes of this paragraph, (A) “household appliance” shall mean any refrigerator, room air conditioner, dishwasher or clothes washer, within a dwelling unit in the multiple dwelling that is provided by the owner, and any boiler or furnace that provides heat or hot water for any dwelling unit in the multiple dwelling, and (B) “Energy Star” shall mean a designation from the United States Environmental Protection Agency or Department of Energy indicating that a product meets the energy efficiency standards set forth by the agency for compliance with the Energy Star program.

CPA SAMPLE

HPD Docket #: _____
Property Address: _____
Borough: _____
Block: _____ Lot(s): _____

To: Office of Development
Tax Incentives - 421(a) & (b) Programs

I am an independent certified public accountant, registered as such by and in good standing with the New York State Education Department. My number is _____.

I have examined the books and records of _____, the builder/developer of the above building(s) and have determined from my examinations that the actual development costs were \$ _____.

My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as I considered necessary under the circumstances. In my opinion, the above-mentioned costs were expended for the construction of the premises described above.

As an independent certified public accountant, I declare that I am in no way connected with the applicant, financially or otherwise.

I have read this certification and I hereby affirm under the penalties provided by law that the contents thereof are true of my own knowledge.

Print Name

Signature

Date

NOTARY: Sworn to before me this
____ day of ____ 20 ____

*** In the event the final costs are different than the estimated costs, please add "the reason why the actual development costs shown here is different from the original costs set forth previously by the developer" is because the original costs \$ _____ were estimated prior to the completion of construction and the amounts set forth above are the actual costs.

CPA SAMPLE

HPD Docket #: _____
Property Address: _____
Borough: _____
Block: _____ Lot(s): _____

To: Office of Development
Tax Incentives - 421(a) & (b) Programs

I am a certified public accountant, registered as such by and in good standing with the New York State Education Department. My license number is _____.

I have audited the books and records of _____, pertaining to the development of _____ (Project) and have determined that the actual development costs were _____.

I conducted my audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the _____'s total actual development costs incurred are free of material misstatement. An audit includes examining, on test basis, evidence supporting the _____'s total actual development costs incurred and performing such other procedures as I considered necessary in the circumstances. An audit also includes assessing the accounting principles used by management. I believe that my audit provides a reasonable basis for my opinion.

In my opinion, the total actual development costs referred to above present fairly, in all material respects, the total actual development costs of the Project in conformity with accounting principles prescribed by the New York City Department of Housing Preservation and Development.

I have no financial interest in the Project other than in the practice of my profession.

I have read this certification and hereby affirm, under the penalties provided by law, that the contents thereof are true of my knowledge.

Print Name

Signature

Date

NOTARY: Sworn to before me this

____ day of _____ 20____

*** In the event the final costs are different than the estimated costs, please add "the reason why the actual development costs shown here is different from the original costs set forth previously by the developer" is because the original costs \$ _____ were estimated prior to the completion of construction and the amounts set forth above are the actual costs.

Certified Public Accountant Letterhead

Re: HPD Docket #
Property Address
Borough
Block and Lot(s)

CPA SAMPLE

To: Office of Development Tax Incentives - RPTL § 421-a Program

We are an independent certified public accounting firm licensed to practice in the State of New York.

We have audited the development costs of _____, the builder/developer of the above building, as of [date of audit]. The development costs amounting to _____, is the responsibility of management. Our responsibility is to express an opinion on this amount based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the development costs are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the development costs. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall presentation. We believe that our audit provides a reasonable basis for our opinion.

The development costs incurred were determined for the purpose of complying with the City of New York Department of Housing Preservation and Development's requirements, in accordance with the RPTL § 421-a tax benefit program. It is not intended to be a determination of costs in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the development costs referred to above presents fairly, in all material respects, the development costs of _____ as of [date of audit], in accordance with the RPTL § 421-a tax benefit program prescribed by the City of New York Department of Housing and Preservation.

As an independent certified public accounting firm, we declare that we are in no way connected with the applicant, financially or otherwise.

This report is intended solely for the information and use of the partners of _____ and the City of New York Department of Housing Preservation and Development and should not be used by anyone other than these specified parties.

Signature of Firm

Name of Partner Signing on Behalf of Firm

NOTARY: Sworn to before me this
____ day of ____ 20 ____

*** In the event the final costs are different than the estimated costs, please add "the reason why the actual development costs shown here is different from the original costs set forth previously by the developer" is because the original costs \$ _____ were estimated prior to the completion of construction and the amounts set forth above are the actual costs.

421-a Addendum to CPA certification of
Actual Total Development Cost (itemized)

Address of Project: _____	Block/lot _____
1. LAND ACQUISITION (ATTACH DEED)	
a) Purchase Price (attach contract of sale or closing statement)	_____
b) Appraisal (if required-see 421-a Rules 6-05 (b) (1) (i) (A))	_____
c) Ground Lease (for _____ month)	_____
d) Relocation and other expenses	_____
e) Air Rights	_____
f) Other (please specify)	_____ \$ _____
2. CONSTRUCTION COSTS	
a) Demolition and Site Clearance Costs	_____
b) Abnormal Foundations & Conditions	_____
c) Hard Construction Costs (attach itemization to erect bldg/s)	_____
d) Lawn/Plantings	_____
e) Roads/Walkways	_____
f) Site Work	_____ \$ _____
g) Other (please specify)	_____ \$ _____
3. BUILDER'S FEE/DEVELOPER'S PROFIT	
4. PROFESSIONAL AND OTHER FEES	
a) Architect's Fee	_____
b) Engineer's Inspection fee	_____
c) Laboratory Fees	_____
d) Soil Investigation	_____
e) Preliminary Surveys	_____
f) Project supervision fee	_____
g) Legal fees	_____
h) Environmental Surveys/Reports	_____
i) Controlled Inspection Fee	_____
j) Accounting fees	_____
k) Consultant fees	_____
l) Appraisal fees	_____
m) 421-a Partial Tax Exemption Filing Fee	_____
n) Cost of 421-a Negotiable Certificates	_____ \$ _____
(Purchase price only, include copy of contract of sale)	
5. MARKETING EXPENSES	
a) Commissions/Sales Expenses	_____
b) Advertising	_____
c) Other (please specify)	_____ \$ _____
6. FINANCING AND OTHER CHARGES	
a) Construction Interests & Loan Fee	_____
b) Rent-up Interest	_____
c) Construction Real Estate Taxes	_____
d) Rent-up Real Estate Taxes	_____
e) Title and Recording Expenses	_____
f) Construction Insurance (fire/liability)	_____
g) Water/Sewer	_____
h) Other (please specify) _____	_____
7. TOTAL PROJECT COST	_____ \$ _____
	_____ \$ _____