

Lower Manhattan Conversion: Non-Residential Buildings to Residential Use

Citation

NYS Real Property Tax Law, Section 421-g

Policy Objectives

To promote more productive use of non-residential buildings in Lower Manhattan.

Description

Created as part of the Commercial Revitalization Program, section 421-g provides a Real Property Tax exemption on the increase in assessed value due to conversion of non-residential buildings to residential use. The program also provides for an abatement of existing property taxes.

To qualify for tax benefits, the building must be in the statutorily defined Lower Manhattan Abatement Zone and a permit for conversion must be issued between July 1, 1995 and June 30, 2006. If, after conversion, more than 12 percent of the building's aggregate floor area consists of commercial, community facility and accessory use space, the exemption and abatement will be reduced by the difference between the percentage of space so used and 12 percent. If more than 25 percent of the aggregate floor space is used for commercial, community facility or accessory use, the exemption and abatement will be revoked. For the purpose of this statute, "accessory use space" will be deemed not to include home occupation or accessory parking space located not more than 23 feet above the curb level. Notwithstanding any other provision of State or local law relating to rent stabilization, the rents of dwelling units in an eligible building are subject to control while the building is receiving a tax exemption and/or abatement.

The program provides a tax exemption for 12 years, including the first eight years at 100 percent. In the remaining four years, the exemption percentage declines at a rate of 20 percentage points in each year. The tax abatement is granted for 14 years. In the first ten years the abatement is equal to the property's taxes in its first year of participation in the program. In years 11 through 14 of the abatement period, the abatement percentage is reduced by 20 percentage points each year. If the property has been designated as a landmark prior to completion of conversion, the exemption and abatement periods are extended to 13 years and 15 years, respectively. The 100 percent exemption period is extended to nine years and the full abatement period is extended to 11 years.

Tax Expenditure

\$42.4 million; consists of \$13.3 million in exemption-related and \$29.1 million in abatement-related tax expenditures.