

421-a(16) Commencement Date Guidance

RPTL § 421-a(16)(a)(xxi) defines "Commencement Date" as follows:

(xxi) "Commencement date" shall mean, with respect to any eligible multiple dwelling, the date upon which excavation and construction of initial footings and foundations lawfully begins in good faith or, for an eligible conversion, the date upon which the actual construction of the conversion, alteration or improvement of the pre-existing building or structure lawfully begins in good faith.

In accordance with RPTL § 421-a(16)(a)(xxviii), Eligible Multiple Dwellings must commence construction on or before June 15, 2022 in order to be eligible for benefits pursuant to 421-a(16).

HPD will deem a project to have commenced on or before June 15, 2022, for purposes of RPTL § 421-a(16)(a)(xxviii) if one of the following documents which allows the project to perform required work is issued on or before that date:

1. An NB or an Alt. 1 (or Alt-CO) permit;
2. An FO permit with the same job number as the NB or Alt. 1(Alt-CO); or
3. An FO permit with a different job number as the NB or Alt. 1(Alt-CO) where the application records indicate it was filed "in conjunction" with the NB or Alt. 1(Alt-CO).
4. Any Alteration permit that states it is being issued in conjunction with an NB or Alt. 1 (Alt-CO) provided that: 1) the conjoined NB or Alt. 1(or Alt-CO) has been filed and subsequently approved by DOB; and 2) the alteration work can be demonstrated to HPD as being for the commencement of the excavation and construction of initial footings and foundations of the new multiple dwelling, or, for an eligible conversion, the commencement of the actual construction of the conversion, alteration or improvement of the pre-existing building or structure.

