§ 499-ff. Reporting requirements; revocation of abatements. 1. For the duration of the applicant's benefit period, the applicant shall file annually with the department of finance, on or before July first of each year, a certificate of continuing eligibility confirming that the eligible premises are occupied by the tenant who originally executed the lease and that the eligible premises are being used for the purposes described in the application. In addition, for eligible premises defined in subparagraph (ii) of paragraph (b) or paragraph (c) of subdivision ten of section four hundred ninety-nine-aa of this title, a certificate of continuing eligibility shall (a) confirm that the percentage of the aggregate floor area of the eligible premises occupied or used for industrial and manufacturing activities (exclusive of ancillary uses) has not been reduced and (b) state separately the current percentage of the aggregate floor area of the eligible premises used for industrial and manufacturing activities, ancillary uses and retail activities. Such certificate of continuing eligibility shall be on a form prescribed by the department of finance and shall contain such additional information as the department of finance shall require. The department of finance shall have the authority to terminate abatements granted pursuant to this title upon failure of an applicant to file such certificate by such July first date. The burden of proof shall be on the applicant to establish continuing eligibility for benefits and the department of finance shall have the authority to require that statements made in such certificate shall be made under oath.

2. The department of finance shall revoke any abatement granted pursuant to this title when the tenant who originally executed the lease is no longer occupying the eligible premises. Such revocation shall be retroactive to the date that such tenant vacated the eligible premises and the department of finance shall require the landlord to pay, with interest, any taxes which become payable as a result of such revocation. The landlord shall notify the department of finance within thirty days following the date on which such tenant vacated the eligible premises and, for failure to comply with this notification requirement, shall be liable for penalty calculated for the same period as interest is calculated pursuant to the preceding sentence.

3. If any portion of the premises for which an abatement has been granted pursuant to this title ceases to be occupied or used as eligible premises or is occupied by a subtenant, the department of finance shall reduce the abatement granted pursuant to this title by an amount equal to the percentage of such eligible premises which has ceased to be occupied or used as eligible premises or is occupied by a subtenant. Such reduction shall be retroactive to the date that such premises ceased to be occupied or used as eligible premises or was occupied by a subtenant, and the department of finance shall require the landlord to pay, with interest, any taxes which become payable as a result of such reduction. The landlord shall notify the department of finance within thirty days following the date on which the premises ceased to be occupied or used as eligible premises or was occupied by a subtenant and, for failure to comply with this notification requirement, shall be liable for penalty calculated for the same period as interest is calculated pursuant to the preceding sentence.

4. If, during the benefit period, any real property tax or water or sewer charge or other lienable charge due and payable with respect to an eligible building shall remain unpaid for at least one year following the date upon which such tax or charge became due and payable, all abatements granted pursuant to this title with respect to such building shall be revoked, unless within thirty days from the mailing of a notice of revocation by the department of finance satisfactory proof is presented to the department of finance that any and all delinquent taxes and charges owing with respect to such building as of the date of such notice have been paid in full or are currently being paid in timely installments pursuant to a written agreement with the department of finance or other appropriate agency. Any revocation pursuant to this subdivision shall be effective with respect to real property taxes which become due and payable following the date of such revocation.

5. The department of finance may deny, reduce, suspend, terminate or revoke any abatement granted pursuant to this title whenever:

(a) the landlord or the tenant receiving abatement pursuant to this title fails to comply with the requirements of this title or the rules promulgated hereunder; or

(b) an application, certificate, report or other document submitted by the applicant contains a false or misleading statement as to a material fact or omits to state any material fact necessary in order to make the statement therein not false or misleading, and may declare any applicant who makes such false or misleading statement or omission to be ineligible for future abatement pursuant to this title for the same or other property. In addition, the department of finance shall require the applicant to pay, with penalty and interest, any abatement received pursuant to this title as a result of such false or misleading statement or omission of a material fact.

6. Notwithstanding any other provision of this title, the department of finance shall deny, terminate or revoke any abatement applied for or granted pursuant to this title upon a determination that the lease between the landlord and the tenant does not constitute a bona fide arm's length lease. In making such determination, the department of finance may consider, among other factors, the relationship, if any, between the landlord and the tenant and whether the business terms of such lease are consistent with the business terms generally found in leases for comparable space.

7. (a) If any person described in the statement required by paragraph (b) of subdivision seven of section four hundred ninety-nine-cc of this title or paragraph (b) of this subdivision is finally adjudicated by a court of competent jurisdiction to be guilty of any charge listed in such statement, the department of finance shall revoke the abatement granted pursuant to this title and shall require the payment, with interest, of any abatement received pursuant to this title.

(b) The applicant shall, on the certificate of continuing eligibility, state whether any charges alleging violation by the applicant or any person owning a substantial interest in the eligible building, or any officer, director or general partner of the applicant or person owning a substantial interest in the eligible building, or any person for whom the applicant or person owning a substantial interest in the eligible building is an officer, director or general partner, of section two hundred thirty-five of the real property law or any section of article one hundred fifty of the penal law or any similar arson law of another

jurisdiction, are pending. For purposes of this paragraph, "substantial interest" shall have the same meaning as set forth in paragraph (c) of subdivision seven of section four hundred ninety nine-cc of this title.

8. The department of finance shall revoke any abatement granted pursuant to this title with respect to premises leased to a renewal tenant if the applicant shall fail to submit evidence acceptable to the department of finance, within the time specified in subdivision four of section four hundred ninety-nine-dd of this title, that the requirements of section four hundred ninety-nine-cc of this title concerning expenditures on improvements have been met within the time specified in such section four hundred ninety-nine-cc. In such event, the department of finance shall require the landlord to pay, with penalty and interest, any abatement received pursuant to this title with respect to the premises in question.