



Department of
Housing Preservation
& Development
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VICKI BEEN
Commissioner

Office of the Commissioner
100 Gold Street
New York, N.Y. 10038

Honorable Melissa Mark-Viverito
Speaker of the Council
City Hall
New York, New York 10007
Attention: Gary Altman

Re: 424 West 55th Street
Block: 1064, Lot: 44
Manhattan
Community District No. 4
Council District No. 3

Dear Madame Speaker:

The referenced property ("Exemption Area") contains one multiple dwelling known as 424 West 55th Street, which provides rental housing for low-income families.

West of Ninth 2 Housing Development Fund Corporation ("HDFC") acquired title to the Exemption Area on December 30, 2013 and West of Ninth Limited Partnership ("Partnership") is the beneficial owner of the Exemption Area. The HDFC and the Partnership entered into an Inclusionary Housing Regulatory Agreement ("Regulatory Agreement") with the City of New York Department of Housing Preservation and Development ("HPD") on December 30, 2013. The Regulatory Agreement establishes certain controls upon the operation of the Exemption Area.

In order to ensure the affordability of the Exemption Area, HPD is requesting an Article XI exemption.

HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Effective Date" shall mean December 30, 2013.
 - (b) "Exemption" shall mean the exemption from real property taxation for the Exemption Area provided hereunder.
 - (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1064, Lot 44 on the Tax Map of the City of New York.
 - (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (e) "HDFC" shall mean West of Ninth 2 Housing Development Fund Corporation.
 - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.



- (g) "Owner" shall mean, collectively, the HDFC and the Partnership.
 - (h) "Partnership" shall mean West of Ninth Limited Partnership.
 - (i) "Regulatory Agreement" shall mean the Inclusionary Housing Regulatory Agreement between HPD and the Owner dated December 30, 2013.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - (b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building in the Exemption Area that has a temporary certificate of occupancy for all of the residential areas on or before December 30, 2016.
 - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owners of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

HPD recommends approval of this matter and requests that it be referred to the appropriate committee at the next scheduled meeting of the Council.

Sincerely,

Vicki Been

