



Department of  
Housing Preservation  
& Development  
nyc.gov/hpd

VICKI BEEN  
Commissioner

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

OCT 31 2016

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

Re: Mixed Income Program: Mix and Match  
The Tree of Life  
Block 9793, part of Lot 78 (a/k/a Tentative Lot 79)  
Queens, Community District No. 12  
Council District No. 24

Dear Madame Speaker:

The referenced property ("Exemption Area") is the site for the proposed development of an affordable housing project under HPD's Mixed Income Program: Mix and Match.

Under HPD's Mixed Income Program: Mix and Match, sponsors purchase City-owned or privately owned land or vacant buildings and construct multifamily buildings in order to create affordable rental housing units. Construction and permanent financing is provided through loans from private institutional lenders and from public sources including the New York City Housing Development Corporation ("HDC") and HPD. Additional funding may also be provided from the syndication of low-income housing tax credits. The newly constructed or rehabilitated buildings provide rental projects affordable to households earning up to 165% of area median income. Projects may have a range of affordability tiers.

The referenced property ("Exemption Area") is owned by the First Jamaica Community and Urban Development Corporation. Under the proposed project, First Jamaica 164 Street Housing Development Fund Corporation ("HDFC"), a not-for-profit corporation organized pursuant to Article XI of the Private Housing Finance Law, will acquire the Exemption Area and TOL Workforce LLC, a New York limited liability company, or an affiliate (the "LLC"), will be the beneficial owner and will operate the Exemption Area. The HDFC and the LLC (collectively, the "New Owner") will construct on the Exemption Area one multiple dwelling known as The Tree of Life consisting of 173 units of housing for low income families plus one superintendent unit, approximately 15,337 square feet of commercial space, and approximately 9,555 square feet of community facility space to be used by the First Jamaica Community and Urban Development Corporation.

The HDFC will finance the acquisition and construction with funds provided by HPD and HDC and low income housing tax credits. The New Owner will enter into a regulatory agreement with HPD providing that, for a term of at least 30 years, approximately 10% of the units will be rented to families and individuals whose incomes do not exceed approximately 50% of area median income, approximately 40% of the units will be rented to families and individuals whose incomes do not exceed approximately 60% of area median income, approximately 25% of the units will be rented to families and individuals whose incomes do not exceed approximately 90% of AMI, and the remainder of the units will be rented to families and individuals whose incomes do not exceed approximately up to 120% of area median income.



In order to facilitate the project, 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) "HDFC" shall mean First Jamaica 164 Street Housing Development Fund Corporation
  - b) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - c) "HDC" shall mean New York City Housing Development Corporation.
  - d) "LLC" shall mean TOL Workforce LLC or an affiliate.
  - e) "New Owner" shall mean the HDFC and the LLC or any future owner of the Exemption Area.
  - f) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - g) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD, HDC and the New Owner enter into the Regulatory Agreement in their respective sole discretion.
  - h) "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of Queens, City and State of New York, identified Block 9793, part of Lot 78 (a/k/a Tentative Lot 79), as more particularly described in Exhibit A hereto.
  - i) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) 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 or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - j) "Project" shall mean the construction of one multiple dwelling building on the Exemption Area containing approximately 173 rental dwelling units, plus one unit for a superintendent, approximately 15,337 square feet of commercial space, and approximately 9,555 square feet of community facility space to be used by the First Jamaica Community and Urban Development Corporation.
  - k) "Regulatory Agreement" shall mean the regulatory agreement between HPD, HDC and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
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, commercial or community facility use other than such community facility use(s) required or permitted under the Regulatory Agreement) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.

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3. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("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 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 consent of HPD, or (v) the demolition or construction 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 the New 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) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - (c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by December 31, 2021, as such date may be extended in writing by HPD.
4. In consideration of the Exemption, the New Owner (i) shall execute and record the Regulatory Agreement, and (ii) 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

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**ALL NEW YORK TITLE AGENCY, INC.**

**Title Number: ANY2015-9969C**

**SCHEDULE A**

**BLOCK 9793, PART OF LOT 78 (PROPOSED LOT 79)**

**ALL that certain plot, piece or parcel of land situate, lying and being in the Borough and County of Queens and State of New York, bounded and described as follows:**

**BEGINNING** at a point in the westerly side of 164th Street distant 375.17 feet northerly from the corner formed by the intersection of the westerly side of 164th Street with the northerly side of Jamaica Avenue;

**RUNNING** thence westerly at right angles to the westerly side of 164th Street, 104.96 feet;

**THENCE** southerly parallel with said westerly side of 164th Street, 50.22 feet;

**THENCE** westerly on a course which forms a right angle with the last mentioned course, 87.69 feet;

**THENCE** northerly on a course which forms an interior angle of 89 degrees 40' 14" with the last mentioned courses 154.36 feet;

**THENCE** easterly again at right angles to the westerly side of 164th Street, a distance of 191.76 feet to the westerly side of 164th Street;

**THENCE** southerly along the westerly side of 164th Street, 104.14 feet to the point or place of **BEGINNING**.

**FOR  
CONVEYANCING  
ONLY**

**The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.**

**TOGETHER with all the right, title and interest of the party in the first part, or, in and to the land lying in the street in front of and adjoining said premises.**