



Department of
Housing Preservation
& Development
nyc.gov/hpd

Maria Torres-Springer
Commissioner

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

December 1, 2017

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

Re: Saint Marks Apartments
Block 1223, Lot 53
Brooklyn, Community Board No. 8
Council District No. 36

Dear Madame Speaker:

The referenced property ("Exemption Area") contains one multiple dwelling known as Saint Marks Apartments that provides rental housing for persons and families of low income.

Saint Marks Apartments Housing Development Fund Company, Inc. ("HDFC") is the fee owner of the Exemption Area and Saint Marks Investors LLC, a Delaware limited liability company ("Company"), is the beneficial owner and operates the Exemption Area. The HDFC and the Company (collectively, "Owner") financed the acquisition and rehabilitation of the Exemption Area with a private loan and private equity. The Owner and the Department of Housing Preservation and Development ("HPD") will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption Area. Eligible tenants will receive Section 8 rental assistance.

The Exemption Area currently does not receive any exemption from real property taxation. In order to ensure the continued affordability of the Exemption Area, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law that is coterminous with the 30-year term of the new regulatory agreement.

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;

- a) For the purposes hereof, the following terms shall have the following meanings:
 - (1) "Company" shall mean Saint Marks Investors LLC.
 - (2) "Effective Date" shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - (3) "Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (4) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1223, Lot 53 on the Tax Map of the City of New York.



- (5) "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 by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (6) "HDFC" shall mean Saint Marks Apartments Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (7) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (8) "Owner" shall mean, collectively, the HDFC and the Company.
 - (9) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- b) 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), 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.
- c) Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of (i) \$94,750 plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state or federal law, rule or regulation, or seventeen percent (17%) of the contract rents, including, but not limited to, Section 8, rent supplements, and rental assistance), in the applicable year.
- d) Notwithstanding any provision hereof to the contrary:
- (1) 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) any interest in the Exemption Area is conveyed or transferred 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 the 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.



- (2) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - (3) Nothing herein shall entitle the HDFC, the Owner or any past 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.
- e) In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, 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,



Maria Torres-Springer

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