



Legislation Text

File #: Res 1243-2016, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1243

Resolution approving a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for properties located at 430 Westchester Avenue (Block 2294, Lot 32), 599 Brook Avenue (Block 2361, Lot 1), 625 Brook Avenue (Block 2361, Lot 26), 626 Bergen Avenue (Block 2361, Lot 50) and 503 East 153rd Street (Block 2363, Lot 1), Community District 1, Borough of the Bronx (Preconsidered L.U. No. 469; 20175071 HAX).

By Council Members Greenfield and Dickens

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 24, 2016 its request dated August 22, 2016 that the Council take the following actions regarding a real property tax exemption for properties located at 430 Westchester Avenue (Block 2294, Lot 32), 599 Brook Avenue (Block 2361, Lot 1), 625 Brook Avenue (Block 2361, Lot 26), 626 Bergen Avenue (Block 2361, Lot 50), and 503 East 153rd Street (Block 2363, Lot 1); Community District 1, Borough of the Bronx (the "Exemption Area"):

Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption on September 20, 2016; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption;

RESOLVED:

The Council approves the exemption of the Exemption Area from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a) "Exemption Area" shall mean Exemption Area 1 and Exemption Area 2.
 - b) "Exemption Area 1" shall mean the real property located on the Tax Map of the City of New York in the Borough of Bronx, City and State of New York, identified as Block 2294 Lot 32, Block 2363 Lot 1.
 - c) "Exemption Area 2" shall mean the mean real property located on the Tax Map of the City of

New York in the Borough of Bronx, City and State of New York, identified as Block 2361 Lots 1, 26 and 50.

- d) “Exemption Area Portion” shall mean either Exemption Area 1 or Exemption Area 2, as applicable.
 - e) “Effective Date” shall mean for each Exemption Area Portion the later of (i) the date of conveyance of such Exemption Area Portion to the HDFC, and (ii) the date that HPD, HDC and the New Owner enter into the Regulatory Agreement for such Exemption Area Portion in their respective sole discretion.
 - f) “Expiration Date” shall mean for each Exemption Area Portion, the earlier to occur of (i) a date which is forty (40) years from the Effective Date for such Exemption Area Portion, (ii) the date of the expiration or termination of the Regulatory Agreement for such Exemption Area Portion, or (iii) the date upon which such Exemption Area Portion ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - g) “HDC” shall mean New York City Housing Development Corporation.
 - h) “HDFC” shall mean Comunilife La Central I Housing Development Fund Corporation and/or Comunilife La Central II Housing Development Fund Corporation.
 - i) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - j) “LLC” shall mean La Central Owner LLC and/or La Central Owner II LLC or an affiliate.
 - k) “New Owner” shall mean the HDFC and the LLC or any future owner of the Exemption Area.
 - l) “Regulatory Agreement” shall mean the regulatory agreements between HPD, HDC and the New Owner or between HPD and the New Owner establishing certain controls upon the operation of each Exemption Area Portion during the term of the Exemption.
2. All of the value of the property in each Exemption Area Portion, 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 for such Exemption Area Portion and terminating upon the applicable Expiration Date for such Exemption Area Portion.
3. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“Exemption”) for each Exemption Area Portion, shall terminate if HPD determines at any time that (i) such Exemption Area Portion is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) such Exemption Area Portion is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) such is not operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) such Exemption Area Portion 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 such

Exemption Area Portion 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 for such Exemption Area Portion.

(b) Nothing herein shall entitle the New Owner to a refund of any real property taxes which accrued and were paid with respect to an Exemption Area Portion prior to the Effective Date.

(c) The Exemption for an Exemption Area Portion shall not apply to any building constructed on such Exemption Area Portion 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 for an Exemption Area Portion, the New Owner (i) shall execute and record the Regulatory Agreement for such Exemption Area Portion, 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.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on September 28, 2016, on file in this office.

City Clerk, Clerk of The Council