



Legislation Text

File #: Res 1643-2013, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1643

Resolution approving a partial exemption from real property taxes for property located at (Block 799, Lot 21) Manhattan, pursuant to Section 577 of the private Housing Finance Law (Preconsidered L.U. No. 754).

By Council Member Recchia

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated January 9, 2013 that the Council take the following action regarding a housing project to be located at (Block 799, Lot 21) Manhattan ("Exemption Area"):

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

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Effective Date" shall mean the date upon which the Secretary of HUD certifies on the New Mortgage Loan Note that the total sum of the New Mortgage has been approved for insurance, provided, however, that (i) the Exemption Area has continued to be owned by either a housing development fund company or an entity wholly controlled by a housing development company during the term of the Prior Exemption, and (ii) the Prior Exemption has not been terminated prior to the Effective Date.
 - (b) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 799, Lot 21 on the Tax Map of the City of New York.
 - (c) "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.

- (d) "HDFC" shall mean Associated Blind Housing Development Fund Corporation, Inc.
 - (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (f) "HUD" shall mean the United States Department of Housing and Urban Development.
 - (g) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (h) "New Mortgage" shall mean the HUD mortgage loan to be insured pursuant to Section 221(d)(4) of the National Housing Act, as amended.
 - (i) "New Mortgage Loan Note" shall mean the mortgage loan note made by the Owner for the New Mortgage.
 - (j) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
 - (k) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on June 9, 1978 (Cal. No. 123), as amended by the Board of Estimate on December 15, 1988 (Cal. No. 345).
 - (l) "Regulatory Agreement" shall mean an agreement by and between HPD and the Owner which commences on or before the Effective Date, runs with the land, binds all subsequent parties in interest to the Exemption Area until a date which is forty (40) years from the Effective Date, and requires, *inter alia*, that the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.
2. The Prior Exemption shall terminate upon the Effective Date.
3. 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.
4. 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) \$510,452.00, plus (ii) on and after the first anniversary of the Effective Date, an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project 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.

5. Notwithstanding any provision hereof to the contrary:
- a. The New 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, or (iv) the 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 New Exemption shall prospectively terminate.
 - b. The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.
 - c. Nothing herein shall entitle the HDPC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
6. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New 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.

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 January 22, 2013, on file in this office.

City Clerk, Clerk of Council