



Legislation Text

File #: Res 0769-2011, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 769

Resolution approving an exemption from real property taxes for property located at (Block 2394 Lots 20, Block 2395 Lot 25, Block 2419 Lot 12, Block 2432 Lot 15, Block 2438 Lot 20) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 365).

By Council Member Recchia

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 7, 2011 that the Council take the following action regarding a housing project to be located at Block 2394 Lots 20, Block 2395 Lot 25, Block 2419 Lot 12, Block 2432 Lot 15, Block 2438 Lot 20) Brooklyn ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of 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 held a hearing on the Project on April 6, 2011;

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

RESOLVED:

The Project shall be developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

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 later of (A) the date of conveyance of the Exemption Area from the Original HDFC to the New HDFC, and (B) the date that HPD and the New HDFC enter into the New Regulatory Agreement.
 - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.

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- (c) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 2394, Lot 20, Block 2395, Lot 25, Block 2419, Lot 12, Block 2432, Lot 25 & Block 2438 Lot 20 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) “New HDFC” shall mean Los Sures SIP Housing Development Fund Corporation.
 - (f) “Original HDFC” shall mean collectively the housing development fund corporations that currently own the Exemption Area.
 - (f) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (g) “Owner” shall mean the New HDFC or any future owner of the Exemption Area.
 - (h) “New Regulatory Agreement” shall mean the regulatory agreement between HPD and the New HDFC, as amended, 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 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 New 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 (iii) 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 the Owner and all mortgagees of record, which

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- 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 not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building.
4. In consideration of the Exemption, the New HDFC shall (i) execute and record the New Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, 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 except for an exemption and /or abatement of real property taxation pursuant to Section 489 of the Real Property Tax Law.

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 April 6, 2011, on file in this office.

City Clerk, Clerk of Council