



Legislation Text

File #: Res 0599-2010, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 599

Resolution approving an amendment to resolution 1856 approved by the New York City Council on March 11, 2009, as amended by Resolution 2274 approved by the New York City Council on November 30, 2009 for property located at 188-198 Avenue C, 200 Avenue C, 726 East 13th Street, 700-722 East 13th Street (Block 382, Lot 1) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. 277).

By Council Member Recchia

WHEREAS, On March 11, 2009 the New York City Council approved Resolution No. 1856, which authorized a full real property tax exemption for a housing project ("Project") located at 188-198 Avenue C, 200 Avenue C, 726 East 13th Street, 700-722 East 13th Street (Block 382, Lot 1), Manhattan ("Exemption Area") pursuant to Section 577 of the Private Housing Finance Law ("Prior Exemption");

WHEREAS, On November 30, 2009 the New York City Council approved Resolution No. 2274, which extended the expiration date of the interim Article XI Exemption to the earlier to occur of (i) the financing of the private bank loan, tax exempt private activity bond financing and as-of-right low income housing tax credits, or 501(c)(3) tax exempt bond financing ("New Mortgage"), (ii) December 31, 2010, (iii) the date of the expiration or termination of the Regulatory Agreement, or (iv) 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. Resolution 2274 also extended the Regulatory Agreement to be coterminous with the Interim Article XI 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 December 8, 2010;

WHEREAS, HPD respectfully requests that the Council amend Resolution No. 1856, as amended by Resolution 2274 to extend the expiration date of the interim Article XI Exemption to the earlier to occur of (i) the financing of the New Mortgage, (ii) December 31, 2011, (iii) the date of the expiration or termination of the Regulatory Agreement, or (iv) 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. The definition of Regulatory Agreement in the Resolution will also have to be amended to reflect this additional extension of the Interim Article XI Exemption.

WHEREAS, HPD respectfully requests that the Council amend the Resolution by replacing the definitions of Expiration Date and Regulatory Agreement contained therein in paragraphs (c) and (j),

respectively, to read as follows:

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- (c) "Expiration Date" shall mean the earlier to occur of (i) the financing of the New Mortgage, (ii) December 31, 2011, (iii) the date of the expiration or termination of the Regulatory Agreement, or (iv) 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.

- (j) "Regulatory Agreement" shall mean a regulatory agreement by and between Owner and HPD which runs with the land, binds all subsequent parties in interest to the Exemption Area until the earlier to occur of (i) the financing of the New Mortgage or (ii) December 31, 2011, and requires that (1) the Owner shall exercise any and all available options to renew Rental Subsidy for eligible tenants, (2) the Owner shall not cause or permit the Rental Subsidy to expire, to not be extended, to not be renewed, or to be terminated, (3) the Owner shall register all dwelling units in the Exemption Area with the New York State Division of Housing and Community Renewal, and (4) all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 165% of area median income.

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 December 8, 2010, on file in this office.

City Clerk, Clerk of Council