



Legislation Details (With Text)

File #: Res 1872-2013 **Version:** * **Name:** LU 871 - 153 Manhattan Ave., Manhattan

Type: Resolution **Status:** Adopted

In control: Committee on Finance

On agenda: 7/24/2013

Enactment date: **Enactment #:**

Title: Resolution approving an exemption from real property taxes for property located at (Block 1843, Lots 14, 15, and 16) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. 871).

Sponsors: Domenic M. Recchia, Jr.

Indexes:

Attachments: 1. Memorandum, 2. HPD Letter, 3. Hearing Transcript - Stated Meeting 7-24-13

Date	Ver.	Action By	Action	Result
7/24/2013	*	Committee on Finance	P-C Item Approved by Comm	
7/24/2013	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1872

Resolution approving an exemption from real property taxes for property located at (Block 1843, Lots 14, 15, and 16) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. 871).

By Council Member Recchia

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 28, 2013 that the Council take the following action regarding a housing project to be located at (Block 1843, Lots 14, 15, and 16) 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 July 1, 2004, by which date the project began experiencing financial hardship due to limited income and rising expenses, as determined by HPD.
 - (b) “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - (c) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1843, Lot 14, Block 1843, Lot 15 & Block 1843, Lot 16 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 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.
 - (e) “HDFC” shall mean 153 Manhattan Avenue Housing Development Fund Corporation.
 - (f) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (g) “Owner” shall mean the HDFC or any future owner of the Exemption Area.
 - (h) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the 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 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 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.
 - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and

were paid with respect to the Exemption Area prior to the Effective Date.

4. In consideration of the Exemption, the HDFC (i) shall execute and record the 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.

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 July 24, 2013, on file in this office.

City Clerk, Clerk of Council