Legislation Details (With Text)

File #:	Res 0524-2014	**Version:** *	**Name:**	LU 163 - 3160 Park Avenue – Mixed Income Project, Bronx
Type:	Resolution		**Status:**	Adopted
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On agenda:	12/17/2014			
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Title: Resolution approving an exemption from real property taxes for property located at (Block 2419, p/o Lot 28 (to be known as Lot 1002)) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 163).

Sponsors:

Indexes:

Attachments: 1. Memorandum, 2. Housing Preservation & Development Approval Letter, 3. Hearing Transcript - Stated Meeting 12-17-14, 4. Minutes of the Stated Meeting - December 17, 2014

Date	Ver.	Action By	Action	Result
12/17/2014	*	Committee on Finance	P-C Item Approved by Comm	
12/17/2014	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 524

Resolution approving an exemption from real property taxes for property located at (Block 2419, p/o Lot 28 (to be known as Lot 1002)) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 163).

By Council Member Ferreras

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated December 10, 2014 that the Council take the following action regarding a housing project located at (Block 2419, p/o Lot 28 (to be known as Lot 1002)) the Bronx ("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:

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For the purposes hereof, the following terms shall have the following meanings:

(a) “Exemption” shall mean the exemption from real property taxation provided hereunder.

(b) "Effective Date" shall mean the latest of (i) the date that Lessor and Lessee enter into the Lease, (ii) the date that Lessee and Sub-lease enter into the Sublease and (iii) the date that HPD, HDC, Lessor, Lessee and Sub-lessee enter into the Regulatory Agreement.

(c) “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, currently identified as Block 2419, p/o Lot 28, and to be known as Unit 2 in the 3160 Park Avenue Condominium and identified as Block 2419, Lot 1002 on the Tax Map of the City of New York.

(d) "Expiration Date" shall mean the earliest 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 is neither leased to nor owned by either a housing development fund company or an entity controlled by a housing development fund company.

(e) "HDC” shall mean New York City Housing Development Corporation.

(f) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

(g) “Lease” shall mean the lease of the Exemption Area between Lessor and Lessee.

(h) “Lessee” shall mean, collectively, Lessee HDFC and Lessee LLC or any future lessee of the Exemption Area permitted hereunder.

(i) “Lessee HDFC” shall mean HP Park Ave NMTC Housing Development Fund Company, Inc.

(j) “Lessee LLC” shall mean Trinity Park Ave Mixed Use LLC.

(k) “Lessor” shall mean 3160 Park Avenue, LLC, the current owner of the Exemption Area.

(l) “Regulatory Agreement” shall mean the regulatory agreement among Lessor, Lessee, Sub-lessee, HDC and, at HPD’s option, HPD establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

(m) “Sublease” shall mean the sublease of the Exemption Area between Lessee and Sub-lessee.

(n) “Sub-lessee” shall mean, collectively, Sub-lessee HDFC and Sub-lessee LLC or any future sub-lessee of the Exemption Area permitted hereunder.

(o) “Sub-lessee HDFC” shall mean HPD Park Ave NMTC MT Housing Development Fund Company, Inc.

(p) “Sub-lessee LLC” shall mean Trinity Park Ave Mixed Use MT LLC.

2. All of the value of the property, including both the land and the 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. (a) Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("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, (iv) the Lease is assigned by Lessee, or the Sub-lease is assigned by Sub-lessee, or the Exemption Area is leased to a lessee other than Lessee or sub-leased to a sub-lessee other than Sub-lessee without the prior written consent of HPD, or (v) the demolition or construction 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 Lessee 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) Nothing herein shall entitle the Lessor, Lessee or Sub-lessee to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

(c) In consideration of the Exemption, the (i) Lessor, Lessee and Sub-lessee shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, the Lessor and Lessee shall each 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 December 17, 2014, on file in this office.

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City Clerk, Clerk of Council