



Legislation Details (With Text)

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In control: Committee on Land Use

On agenda: 9/12/2018

Enactment date: **Enactment #:**

Title: Resolution approving a new Urban Development Action Area Project, waiving the urban development action area designation requirement and approving a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for groups of Transfer Parcels located at 45-14 42nd Street (Block 192, Lot 35); 14-15 Mott Avenue (Block 15574, Lot 48), and 306 Beach 27th Street (Block 15800, Lot 31); and 41-06 55th Street (Block 1317, Lot 63), Community Districts 2 and 14, Borough of Queens, (L.U. No. 178; 20185473 HAQ).

Sponsors:

Indexes:

Attachments: 1. Resolution, 2. Land Use Calendar - Week of August 13, 2018 - August 17, 2018, 3. Hearing Transcript - Planning 8-14-18, 4. Hearing Testimony - Planning 8-14-18, 5. Land Use Calendar - Week of September 3, 2018 - September 7, 2018, 6. September 12, 2018 - Stated Meeting Agenda with Links to Files, 7. Hearing Transcript - Stated Meeting 9-12-18, 8. Minutes of the Stated Meeting - September 12, 2018, 9. Committee Report

Date	Ver.	Action By	Action	Result
9/6/2018	*	Committee on Land Use	Approved by Committee	
9/12/2018	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 523**

Resolution approving a new Urban Development Action Area Project, waiving the urban development action area designation requirement and approving a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for groups of Transfer Parcels located at 45-14 42nd Street (Block 192, Lot 35); 14-15 Mott Avenue (Block 15574, Lot 48), and 306 Beach 27th Street (Block 15800, Lot 31); and 41-06 55th Street (Block 1317, Lot 63), Community Districts 2 and 14, Borough of Queens, (L.U. No. 178; 20185473 HAQ).

By Council Members Salamanca and Kallos

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018, that the Council take the following actions with respect to each of the following groups of Transfer Parcels ("Transfer Areas"): 45-14 42nd Street (Block 192, Lot 35); 14-15 Mott Avenue (Block 15574, Lot 48) and 306 Beach 27th Street (Block 15800, Lot 31); and 41-06 55th Street (Block 1317, Lot 63), 39-23 57th Street (Block 1228, Lot 38), and 39-21 57th Street (Block 1228, Lot 40), Community Districts 2 and 14, Borough of Queens (the "Transfer Area"):

1. Find that the present status of the Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project (the "Project") is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General

Municipal Law;

3. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve the exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law and pursuant to Section 696 of the General Municipal Law (the "Tax Exemptions");

WHEREAS, by letter dated September 4, 2018, and submitted to the Council on September 5, 2018, the Department of Housing Preservation and Development withdrew from the Transfer Areas the properties located at 39-23 57th Street (Block 1228, Lot 38) and 39-21 57th Street (Block 1228, Lot 40);

WHEREAS, upon due notice, the Council held a public hearing on the Projects on August 14, 2018; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Projects.

RESOLVED:

The Council finds that the present status of each Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Projects are consistent with the policy and purposes of Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council approves each Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Projects shall be developed in accordance with the terms and conditions set forth in the Project Summaries attached hereto.

The Council approves the Tax Exemptions as follows:

1. Pursuant to Section 577 of the Private Housing Finance Law the Council approves the exemption of each Project from real property taxes as follows:
 - a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").
 - b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
 - c. The Article XI Exemption shall terminate if HPD determines at any time that (i) the Transfer Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Transfer Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Transfer Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the property 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 Article XI Exemption shall prospectively terminate.

d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.

2. Pursuant to Section 696 of the General Municipal Law the Council approves the exemption of each Project from real property taxes as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Transfer Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the Article XI Expiration Date ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.

b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the UDAAP Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.

e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

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 September 12, 2018, on file in this office.

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City Clerk, Clerk of The Council

PROJECT SUMMARY

20185473 HAQ

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L.U. No. 178

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 56
3. **LOCATION:**
 - a. **BOROUGH:** Queens
 - b. **COMMUNITY DISTRICTS:** QN2
 - c. **COUNCIL DISTRICTS:** CD26
 - d. **TRANSFER AREA:**

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>VACANT</u>
192		45-14 42 STREET	
 - e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
7. **APPROXIMATE NUMBER OF UNITS:** 20
8. **HOUSING TYPE:** Homeownership
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains an occupied building which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

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L.U. No. 178

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 56
3. **LOCATION:**
 - a. **BOROUGH:** Queens
 - b. **COMMUNITY DISTRICTS:** QN14
 - c. **COUNCIL DISTRICTS:** CD31
 - d. **TRANSFER AREA:**

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>VACANT</u>
155744814-15		MOTT AVENUE	
15800			306 BEACH 27 STREET
 - e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 2
7. **APPROXIMATE NUMBER OF UNITS:** 54
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

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L.U. No. 178

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 56
3. **LOCATION:**
 - a. **BOROUGH:** Queens
 - b. **COMMUNITY DISTRICTS:** QN2
 - c. **COUNCIL DISTRICTS:** CD26
 - d. **TRANSFER AREA:** BLOCK LOT ADDRESS VACANT
13176341-06 55 STREET
 - e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 3
7. **APPROXIMATE NUMBER OF UNITS:** 37
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.