Legislation Details (With Text)

File #:	Res 0979-2025	**Version:** *	**Name:**	LU 318 - West 104th Street: Block 1839, Lot 45; Block 1840, Lot 5, Manhattan, Community District 7, Council District 7.
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Finance
On agenda:	6/30/2025			
Enactment date:			**Enactment #:**	

Title: Resolution approving an additional period of exemption from real property taxes for property located at (Block 1839, Lot 45; Block 1840, Lot 5) Manhattan, pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (Preconsidered L.U. No. 318).

Sponsors:

Indexes:

Attachments: 1. Housing Preservation and Development Letter, 2. Memorandum, 3. Res. No. 979, 4. Committee Report - Stated Meeting, 5. June 30, 2025 - Stated Meeting Agenda, 6. Hearing Transcript - Stated Meeting 6-30-25

Date	Ver.	Action By	Action	Result
6/30/2025	*	Committee on Finance	P-C Item Approved by Comm	
6/30/2025	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK

PRECONSIDERED RES. NO. 979

Resolution approving an additional period of exemption from real property taxes for property located at (Block 1839, Lot 45; Block 1840, Lot 5) Manhattan, pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (Preconsidered L.U. No. 318).

By Council Member Brannan

WHEREAS, The New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 29, 2025, that the Council take the following action regarding a housing project located at (Block 1839, Lot 45; Block 1840, Lot 5) Manhattan ("Exemption Area"):

Approve an additional period of tax exemption from real property taxes pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, The project description that HPD provided to the Council states that the owner of the Project (the "Owner") for the subject period of the requested exemption was a duly organized housing redevelopment company formed pursuant to Article V of the Private Housing Finance Law;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption; now, therefore, be it

powered by Legistar™

RESOLVED:

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

   a. "Company" shall mean West 104th Street LLC.

   b. "Contract Rent Deadline" shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.

   c. "Contract Rent Differential" shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of September 1, 2025.

   d. "Contract Rent Differential Tax" shall mean the sum of (i) $342,017 plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from, or abatement of, real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.

   e. "Effective Date" shall mean June 17, 2021.

   f. "Exemption" shall mean the exemption from real property taxation provided hereunder.

   g. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1839, Lot 45 and 1840, Lot 5, on the Tax Map of the City of New York.

   h. "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-four (34) years and one (1) month from the Effective Date, (ii) the date of the expiration or termination of the Redevelopment Agreement, (iii) the date of the expiration or termination of the Regulatory Agreement, (iv) the date upon which the Exemption Area ceases to be owned by the Owner, (v) the date upon which the City terminates the partial tax exemption pursuant to the terms of the Regulatory Agreement, or (vi) the date of the expiration or termination of the Exemption Area's Section 8 Housing Assistance Payments contract.

   i. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

   j. "Owner" shall mean the Company or, with the prior written approval of HPD, any future owner of the Exemption Area that is a redevelopment company organized pursuant to Article V of the Private Housing Finance Law.

   k. "Redevelopment Agreement" shall mean that certain Agreement dated May 24, 1979 between the City of New York and the Owner, establishing certain controls upon the operation of the

Exemption Area in accordance with Private Housing Finance Law Section 114.

l. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area on and after the date such regulatory agreement is executed.

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, commercial, or community facility 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. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments as follows: (i) in the sum of $15,421 for the period beginning on the Effective Date and ending on June 30, 2021, (ii) in the sum of $370,315 for the period beginning on July 1, 2021, and ending on June 30, 2022, (iii) in the sum of $409,652 for the period beginning on July 1, 2022, and ending on June 30, 2023, (iv) in the sum of $409,652 for the period beginning on July 1, 2023, and ending on June 30, 2024, (v) in the sum of $409,652 for the period beginning on July 1, 2024, and ending on June 30, 2025, and (vi) in the sum of the Contract Differential Tax for each year thereafter until the Expiration Date.

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 V of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Redevelopment Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iv) 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, (v) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, (vi) the owner of the Exemption Area did not apply for a new Section 8 Housing Assistance Payments contract on or before August 1, 2034 or did not receive a new HAP contract effective August 2, 2034, or (vii) the construction or 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 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 apply to all land in the Exemption Area, but shall only apply to the buildings on the Exemption Area that exist on the Effective Date.

c. Nothing herein shall entitle the Company, the Owner or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.

4. In consideration of the Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) 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. Notwithstanding

the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

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 June 30, 2025, on file in this office.

_____

City Clerk, Clerk of Council